



भारत का राजपत्र

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सं. 16] नई दिल्ली, अप्रैल 13—अप्रैल 19, 2008, शनिवार/चैत्र 24—चैत्र 30, 1930
No. 16] NEW DELHI, APRIL 13—APRIL 19, 2008, SATURDAY/CHAITRA 24—CHAITRA 30, 1930

इस भाग में विन पुक्त संख्या दी जाती है जिससे कि यह प्रथक संकलन के रूप में रखा जा सके।
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा विभाग को छोड़कर) द्वारा जारी किए गए सार्विधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications Issued by the Ministries of the Government of India

(Other than the Ministry of Defence)

स्वास्थ्य और परिवार कल्याण विभाग

(स्वास्थ्य और परिवार कल्याण विभाग)

नई दिल्ली, 28 मार्च, 2008

का.आ. 838.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा शक्तियों का प्रयोग करते हुए केन्द्र सरकार भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के परवात उक्त अधिनियम की प्रथम अनुसूची में एसद्वारा नियमिति और संशोधन करती है, अर्थात् :—

वक्त अनुसूची में “राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय बैंगलूरु, कर्नाटक” के स्थाने शीर्षक “मान्यताप्राप्त चिकित्सा अहंता” [स्तरम् (2) में] के अन्तर्गत तथा शीर्षक ‘पंजीकरण के लिए संकेपण’ [स्तरम् (3) में] के अन्तर्गत नियमिति उक्त वापरा अर्थात् :—

(2)	(3)
वैचुलर ऑफ मेडिसिन एंड वैचुलर ऑफ सर्जरी	एम.बी.बी.एस. (यह एक मान्यताप्राप्त चिकित्सा अहंता होगी यदि यह वस्त्रवेशवार मेडिकल कालेज, चिकित्सा, कर्नाटक में प्रशिक्षित छार्टर्ड के संबंध में राजीव गांधी स्वास्थ्य विज्ञान विश्वविद्यालय, बैंगलूरु, कर्नाटक तात्कार्य 2006 से प्रदान की गई हो।)

[सं. यू-12012/112/1999-एमी(पी-II)]

पद. चारिक, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 28th March, 2008

S.O. 838.—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely:—

In the said First Schedule against “Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka” under the heading ‘Recognized Medical Qualification’ [in column (2)] and under the heading ‘Abbreviation for Registration’ [in column (3)], the following shall be inserted, namely:—

(2)	(3)
Bachelor of Medicine and Bachelor of Surgery	M.B.B.S. (This shall be a recognized medical qualification when granted by Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka with the effect from the year 2006 in respect of students trained at Basaveshwara Medical College, Chitradurga, Karnataka)

[No. U-12012/112/1999-MB(P-II)]

N. BARUK, Under Secy.

नई दिल्ली, 8 अप्रैल, 2008

का.आ. 839.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खण्ड (ख) के अनुसरण में बरहामपुर विश्वविद्यालय की सीटेट द्वारा डा. जी.सी. समल कार्यचिकित्सा संकाय सदस्य, बरहामपुर विश्वविद्यालय को दिनांक 26-09-2005 से भारतीय आयुर्विज्ञान परिषद् के सदस्य के रूप में निर्वाचित किया गया है।

जबकि बरहामपुर विश्वविद्यालय ने सूचित किया है कि डा. जी.सी. समल जो भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 की धारा 3 (1)(ख) के अन्वार्ता बरहामपुर विश्वविद्यालय का प्रतिनिधित्व कर रहे हैं, की दिनांक 30-4-2006 से बरहामपुर विश्वविद्यालय के चिकित्सा संकाय की सदस्यता समाप्त हो गई है। अतएव, डा. जी.सी. समल की बरहामपुर विश्वविद्यालय का प्रतिनिधित्व करने वाली भारतीय आयुर्विज्ञान परिषद् की सदस्यता समाप्त हो गई है।

अतः अब, उक्त अधिनियम, की धारा 7 की उपधारा (3) के उपबंध के अनुसरण में डा. जी.सी. समल द्वारा इस अधिसूचना के जारी होने की तारीख से बरहामपुर विश्वविद्यालय का प्रतिनिधित्व करने वाली भारतीय आयुर्विज्ञान परिषद् की सदस्यता को समाप्त हुआ माना जाए।

[सं. वी.-11013/1/2007-एम ई(नीति-1)]
एस. के. गुप्ता, अवर सचिव

New Delhi, the 8th April, 2008

S.O. 839.—Whereas in pursuance of the provision of sub-section (1)(b) of the Section 3 of the Indian Medical Act, 1956 (102 of 1956) Dr. G.C. Samal, a member of the faculty of Medicine, Berhampur University has been elected by the Senate of the Berhampur University to be a member of the Medical Council of India with effect from 26-09-2005.

Whereas the Berhampur University has informed that Dr. G.C. Samal who is representing Berhampur University under Section 3(1)(b) of IMC Act, 1956 has ceased to be a member of medical faculty of Berhampur University with effect from 30-04-2006. Therefore, Dr. G.C. Samal has ceased to be a member of Medical Council of India representing Berhampur University.

Now, therefore, in pursuance of the provision of sub-section (3) of section 7 of the said Act, Dr. G.C. Samal shall be deemed to have ceased to be a member of the Medical Council of India representing Berhampur University, with effect from the date of issue of this notification.

[No. V-11013/1/2007-ME (Policy-I)]
S. K. GUPTA, Under Secy.

नई दिल्ली, 8 अप्रैल, 2008

का.आ. 840.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1)(ख) के अनुसरण में डा. राधा पाध्य त्रिपाठी, सह प्रोफेसर, सामुदायिक चिकित्सा विभाग, एम के सी जी मेडिकल कालेज बरहामपुर (उडीसा), कार्यचिकित्सा संकाय सदस्य, बरहामपुर विश्वविद्यालय को बरहामपुर विश्वविद्यालय की सीटेट द्वारा इस अधिसूचना के जारी होने की तारीख से

25-09-2010 तक भारतीय आयुर्विज्ञान परिषद् सदस्य के रूप में निर्विरोध निर्वाचित किया जाता है :—

अतः अब, उक्त अधिनियम, की धारा 3 की उपधारा (1) के उपबंध के अनुसरण में, केन्द्र सरकार द्वारा द्वारा भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की दिनांक 9 जनवरी, 1960 की अधिसूचना संख्या का.आ. 138 में निम्नलिखित और संशोधन करते हैं अर्थात् :—

उक्त अधिसूचना में “धारा 3 की उपधारा (1) के खण्ड (ख) के अधीन निर्वाचित” शब्दकों के अंतर्गत क्रम संख्या 39 और उससे संबंधित प्रशिक्षियों के स्थान पर निम्नलिखित प्रविष्टियां प्रतिस्थापित की जाएंगी, अर्थात् :—

“39. डा. राधा पाध्य त्रिपाठी, बरहामपुर विश्वविद्यालय”
सह प्रोफेसर,
सामुदायिक चिकित्सा विभाग,
एम के सी जी मेडिकल कालेज
बरहामपुर (उडीसा)

[सं. वी-11013/1/2007-एम ई(नीति-1)]
एस. के. गुप्ता, अवर सचिव

New Delhi, the 8th April, 2008

S.O. 840.—Whereas in pursuance of the provision of sub-section (1)(b) of the Section 3 of the Indian Medical Council Act, 1956 (102 of 1956) Dr. Radha Madhab Tripathy, Associate Professor, Department of Community Medicine, MKCG Medical College, Berhampur (Orissa), a member of the faculty of Medicine, Berhampur University has been elected unopposed by the Senate of the Berhampur University to be a member of the Medical Council of India with effect from date of issue of this notification upto 25-09-2010

Now, therefore, in pursuance of the provision of sub-section (1) of Section 3 of the said Act, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the then Ministry of Health number S.O. 138 dated the 9th January, 1960, namely :—

In the said Notification, under the heading “Elected under clause (b) of sub-section (1) of Section 3”, against serial number 39, the following entries shall be substituted, namely :—

“39. Dr. Radha Madhab Tripathy Berhampur university”
Associate Professor
Department of Community
Medicine MKCG Medical
College Berhampur (Orissa)

[No. V-11013/1/2007-ME (Policy-I)]

S. K. GUPTA, Under Secy.

नई दिल्ली, 9 अप्रैल, 2008

का.आ. 841.—दत्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शब्दियों का प्रयोग करते हुए, केन्द्र सरकार भारतीय दत्त चिकित्सा परिषद् के साथ

परामर्शी करने के पश्चात, उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है :—

2. डा. आर.एम.एल. अवध विश्वविद्यालय, फैजाबाद (उत्तर प्रदेश) के संबंध में दौत विकिस्तक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 55 के समस्त कॉलम 2 और 3 की मौजूदा प्रविष्टियों के नीचे निम्नलिखित प्रविष्टियां शामिल की जाएंगी :—

"III. अवध दौत विकिस्तक विज्ञान संस्थान, लखनऊ

(i) दूत सर्वरी में स्नातक श्रीडीएम. डा. आर.एम.
(यदि शिक्षण सत्र एल. अवध विश्व-
2000-2001 के दौरान विद्यालय, फैजाबाद (उत्तर
दायित्व द्वारा विद्यार्थियों प्रदेश)

को ही प्रदान की जाती है)

[एक सं. नं.—12017/20/1997-डीई]
राज सिंह, अवर सचिव

New Delhi, the 9th April, 2008

S.O. 841.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. Under the existing entries of column 2 & 3 against Serial No. 55, in part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to Dr. RML Avadh University Faizabad (U.P.), the following entries shall be inserted thereunder :—

"III. Avadh Institute of Dental Sciences, Lucknow.

(i) Bachelor of Dental Surgery B.D.S., Dr. RML
(If granted to students admitted Avadh University,
during the academic Session Faizabad (U.P.)
2000-2001 only)

[F. No. V-12017/20/1997-DE]
RAJ SINGH, Under Secy.

मानव संसाधन विकास भवालय

(राजसत्र विभाग विभाग)

नई दिल्ली, 9 अप्रैल, 2008

का.आ. 842.—राजनीतिक परिसर (अवैष्ट कब्जे-खाली कराना) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का उपयोग करते हुए भारत सरकार, मानव संसाधन विकास मंत्रालय श्री दीपक चत्पत्ति, रजिस्टर (सम्पद), दिल्ली विविधविद्यालय जो केन्द्र सरकार के गोपनीय अधिकारी की रूप के समर्थन अधिकारी है, को उपर्युक्त अधिनियम के प्रयोगनाथ सम्पद अधिकारी नियुक्त करती है और वे दिल्ली विविधविद्यालय के प्रशासनिक नियंत्रण के तहत और दिल्ली की स्थानीय सीमाओं के अन्दर आने वाले सर्वजनिक परिसरों के संबंध में उपर्युक्त अधिनियम द्वारा अध्या इसके तहत सम्पद अधिकारी के रूप में प्रदान की गई शक्तियों का उपयोग करेंगे और दायित्वों का निर्वहन करेंगे।

[संख्या एफ. 4-31/2007 डेस्क(यू-)]

प्रेम कुमार, अवर सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Higher Education)

New Delhi, the 9th April, 2008

S.O. 842.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Government of India, Ministry of Human Resource Development hereby appoints Shri Deepak Vats, Assistant Registrar (Estates), Delhi University, being an officer equivalent to the rank of a gazetted officer of Central Government, as Estate Officer for the purpose of the said Act, and he shall exercise the powers conferred, and perform the duties imposed, on the Estate Officer by or under the said Act in respect of the public premises within the local limits of Delhi and under the administrative control of University of Delhi.

[No. F. 4-31/2007-Desk (U)]

PREM KUMAR, Under Secy.

संघार और सूचना प्रौद्योगिकी भवालय

(हरसंभार विभाग)

(राजभाषा अनुभाग)

नई दिल्ली, 3 अप्रैल, 2008

का.आ. 843.—केन्द्रीय सरकार, राजपत्र (संघ के शासकीय प्रयोजनों का लिए प्रयोग) नियम 1976 (यथा संशोधित 1987) के नियम 10(4) के अनुसार में संचार और प्रौद्योगिकी मंत्रालय, दूरसंचार विभाग के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालय को, जिसमें 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यालयक ज्ञान प्राप्त कर लिया है, एवं द्वारा अधिसूचित करती है :—

पुण्य महाप्रबंधक, लैंड लाइन, पहानगर टेलीफोन नियम लिमिटेड, पुण्य

महाप्रबंधक, (काल सेंटर) महानगर टेलीफोन नियम

लिमिटेड, मुंबई

[सं. ई. 11016/1/2007-रा.मा. (पार्ट-1)]

कीर्ति कुमार, उप महानिदेशक (समन्वय एवं प्रशासन)

MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

(Department of Telecommunications)

New Delhi, the 3rd April, 2008

S.O. 843.—In pursuance of rule 10(4) of the Official Language (Use for Official Purpose of the Union), Rules 1976 (as amended-1987), the Central Government hereby notifies the following office under the administrative control of the Ministry of Communications and Information Technology, Department of Telecommunications where more than 80% of Staff have acquired working knowledge of Hindi.

Chief General Manager, Land Line, Mahanagar

Telephone Nigam Limited, Mumbai

General Manager (Call Centre) Mahanagar Telephone Nigam Limited, Mumbai

[No. E. 11016/1/2007-O.L.(Part-1)]

KIRTHY KUMAR, Dy. Director General
(Coordination & Administration)

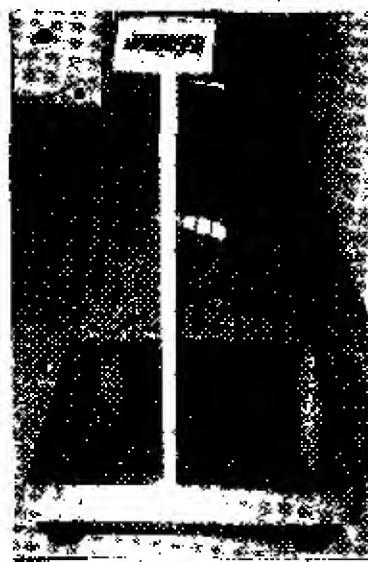
उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 26 फरवरी, 2008

का. आ. 844.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्युक्तों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स डाइटी सकेल्स, साई विलिंग, बलूसरी-मुक्कू, कालीकट-673623, कोरल द्वारा विस्तृत मध्यम यथार्थता (प्राप्ति वर्ग-III) वाले "डीएसपीएफ" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके बांड का नाम "डाइटी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विह आई एन डी/09/07/131 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसको अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 4 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) 200 ग्रा. है। इसमें एक आधेन्युलन युक्ति है जिसका शात प्रतिशत व्यक्तलात्मक धारित आधेन्युलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टार्पिंग प्लेट के मुद्रांकन के अंतरिक्ष मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सोलबन्द भी किया जाएगा और मॉडल को बिङ्गी से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के बैसे ही बैक, यथार्थता और कार्यसालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि. ग्रा. से अधिक और 5000 कि. ग्रा. तक की अधिकतम क्षमता बाले हैं और "ई" मान 1×10^4 , 2×10^4 अथवा 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 26th February, 2008

S.O. 844.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of self indicating non-automatic (Platform type) weighing instrument with digital indication of "DSPF" series of medium accuracy (Accuracy class-III) and with brand name "DIETY" (herein referred to as the said model), manufactured by M/s. Deity Scales, Sai Building, Balusseri-Mukku, Calicut-673623, Kerala and which is assigned the approval mark IND/09/07/131;



The said Model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 1000 kg. and minimum capacity of 4 kg. The verification scale interval (e) is 200 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50 kg. and up to 5000 kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k ; k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

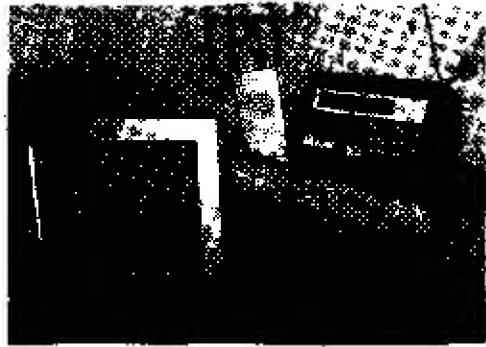
[F. No. WM-21(58)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 26 फरवरी, 2008

का. आ. 845.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्योग के अनुरूप है और इस बात की सम्मानना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स डी एस सिस्टम्स, रूम नं. 3, प्लाट नं. 15/5168(सी), श्री कृष्ण भवन, सी टी सी रोड, कल्पना स्क्वेयर, युक्तेश्वर-751006 उड़ीसा द्वारा विनियित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “वी टी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का, जिसके बांड का नाम “विषाय” है (जिसे इसमें इसके पश्चात् दक्ष मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/312 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (वेब्रिज प्रकार) का तोलन उपकरण है। इसकी अधिकतम क्षमता 50 टन है और न्यूनतम क्षमता 200 कि. ग्रा. है। सत्यापन मापमान अंतराल (ए) 10 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनामक धारित आधेयतुलन प्रयोग है। इव क्रिस्टल डायोड (एल सी डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग एलेट के मुद्रकिन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसको सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनियोगी द्वारा उसी विद्युति, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनियोग किया गया है, विनियित उसी शृंखला के बैसे ही येक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि. ग्रा. तक से अधिक को “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 200 टन तक की अधिकतम क्षमता बाले हैं और ‘ई’ मान 1×10^4 , 2×10^4 अथवा 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूणीक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(156)/2007]

आर. माधुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th February, 2008

S.O. 845.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Weighbridge type) with digital indication of "VT" series belonging to medium accuracy (Accuracy class-III) and with brand name "VISHAY" (herein referred to as the said model), manufactured by M/s. D S Systems, Room No. 3, Plot No. 15/5158(c), Sri Krishna Bhawan, CTC Road, Kalpana Square, Bhubaneswar-751006, Orissa and which is assigned the approval mark IND/09/07/312;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (weighbridge type) with a maximum capacity of 50 tonne and minimum capacity of 200 kg. The verification scale interval (e) is 10 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Diode (LCD) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(156)/2007]
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 5 मार्च, 2008

का. आ. 846.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्योग के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपर्युक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ज्योति इलैक्ट्रोनिक सर्विसिंज, एस एस 11, 485, सैक्टर-6, कोपरकैन, न्यू द्वार्का, महाराष्ट्र द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-III) वाले "जे वाई जे" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ज्योति" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/355 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबलटाप प्रकार) का तोलन उपकरण है। इसकी अधिकतम अक्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टार्टिंग प्लेट के मुद्रांकन के अतिरिक्त भ्रशीन को काषटपूर्ण अवधारों के लिए खोले जाने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, संकिट डायग्राम, विष्यादन सिद्धांत आदि की शर्तों पर पारिवर्तित नहीं किया जाएगा। मॉडल के सीलिंग प्रावधान का विशिष्ट स्कीम डायग्राम कपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही रेज, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक के "ई" मान के लिए 100 से 50,000 तक की रेज में सत्यापन मापमान अंतराल (एल) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेज में सत्यापन मापमान अंतराल (एल) सहित 50 कि. ग्रा. की अधिकतम अक्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 अथवा 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूँजीक या शून्य के समनुरूप हैं।

New Delhi, the 5th March, 2008

S.O. 846.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop type) with digital indication of "JYJ" series of medium accuracy (accuracy class-II) and with brand name "JYOTHI" (hereinafter referred to as the said model), manufactured by M/s. Jyothi Electronic Services, SS-II, 485, Sector-6, Koparkairne, New Mumbai, Maharashtra and which is assigned the approval mark IND/09/07/355;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 2 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting diode (LED) display indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 50 kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg. to 50 mg. and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(201)/2007]

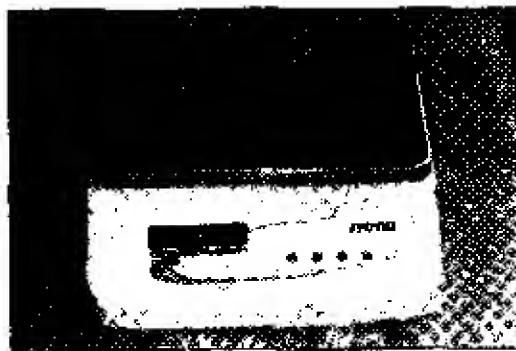
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 5 मार्च, 2008

का. आ. 847.—केन्द्रीय सरकार का, विहिन प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्युक्तों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ज्योति इंस्ट्रूमेंट सर्विसेज, एस एस 11, 485, सैकटर-6, कोपरकैन, न्यू मुंबई, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “जे बाई टी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके नाम “ज्योति” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/356 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबलटाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट और, 50 हर्ड्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल के सीलिंग प्रावधान का स्कीम डायग्राम

स्टार्टिंग एलेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को जिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शतों पर परिवर्तित नहीं किया जाएगा। मॉडल के सीलिंग प्रावधान का विशिष्ट स्कीम डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र की अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के दैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 अथवा 5×10^4 , के हैं, जो धनात्मक या शून्य के समतुल्य हैं।

[फा. सं. इन्व्यू एम-21(201)/2007]
आर. मास्युरबूथम, निदेशक, विधिक याप विज्ञान

New Delhi, the 5th March, 2008

S.O. 847.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop type) with digital indication of "JYT" series of medium accuracy (accuracy class-III) and with brand name "JYOTHI" (hereinafter referred to as the said model), manufactured by M/s. Jyothi Electronic Services, SS-II, 485, Sector-6, Koparkairne, New Mumbai, Maharashtra and which is assigned the approval mark TND/09/07/356;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting diode (LED) display indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.



Fig. 2 Schematic diagram of sealing provision of the model

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same make, accuracy and performance of same series with maximum capacity upto 50 kg. and with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2 g. or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(201)/2007]

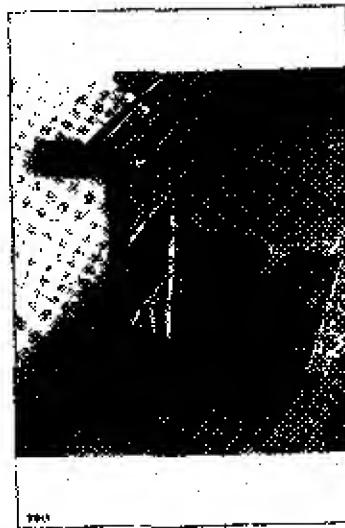
R. MATHURBOOTHAM, Director of Legal Metrology.

नई दिल्ली, 5 मार्च, 2008

का. आ. 843.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्योग के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैलर्स ज्योति इलैक्ट्रोनिक सर्विसेज, एस एस II, 485, सैंकटर-6, कोफरकैरन, न्यू मूबई, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “जे वाई पी” शृंखला के अंकक मूलन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “ज्योति” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/357 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रमाण है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्शी तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



मॉडल के सौलिंग प्रावधान का स्कीम डायग्राम

स्यमिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सौलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, नियादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा। मॉडल के सौलिंग प्रावधान का विशिष्ट स्कीम डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के दैरें ही येक, यथार्थता और कार्यपालक के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और ‘ई’ मान 1×10^3 , 2×10^3 अथवा 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पृष्ठीय या शून्य के समतुल्य हैं।

[फा. सं. डल्लू एम-21(201)/2007]

आर. माधुरदधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th March, 2008

S.O. 848.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating non-automatic weighing instrument (Platform type) with digital indication of "JYP" series of medium accuracy (Accuracy class-III) and with brand name "JYOTHI" (hereinafter referred to as the said model), manufactured by M/s. Jyothi Electronic Services, SS-II, 485, Sector-6, Koparkarne, New Mumbai, Maharashtra and which is assigned the approval mark IND/09/07/357;

The said Model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 1000 kg. and minimum capacity of 2 kg. The verification scale interval ('e') is 100 g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting diode (LED) display indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.



Fig. 2 Schematic diagram of sealing provision of the model

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50 kg. and up to 5000 Kg. and with number of verification scale interval ('n') in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(201)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 5 मार्च, 2008

का. आ. 849.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्योगों के अनुरूप है और इस बात की संपादना है कि स्थानान्तर प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिवर्तियों में उपस्थित सेवा प्रदान करता रहेगा।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए पैसर्स सीलटेक इंडस्ट्रीज, नं. 162/5 नीयर बस स्टाप, प्रिवेणी नगर (तलवडे), पुणे-412114 महाराष्ट्र द्वारा विनियमित यथार्थता वार्ग एक्स (1) कर्ते “एस डब्ल्यू पी” शृंखला के अटोमेटिक ग्रेविमेट्रिक फिलिंग इस्ट्रॉमेंट (वे फिलर प्रकार) के भौंडल का, जिसके भौंड का नाम “सीलटेक” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/235 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित स्वचालित ग्रेविमेट्रिक फिलिंग (वे फिलर) आंगर एटैचमेंट सहित उपकरण है। इसकी अधिकतम क्षमता 10 कि.ग्रा. है इसकी अधिकतम फिल दर 20 फिल्स प्रति मिनट है। मशीन को फ्रैंसे फ्लोइंग उत्पादों जैसे विस्कूट, पाड़डर, दार्ले, अनाजों, मसाले, चाय, चीनी, चावल, बीजों आदि की फिलिंग के लिए डिजाइन किया गया है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्योग करता है। उपकरण 230 वोल्ट और, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्ट्रिप्पिंग स्लोट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से फ़हले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि को ज्ञातों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनियमीत द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनियमित किया गया है, विनियमित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 10 ग्रा. से 10 कि. ग्रा. तक की रेंज में हैं।

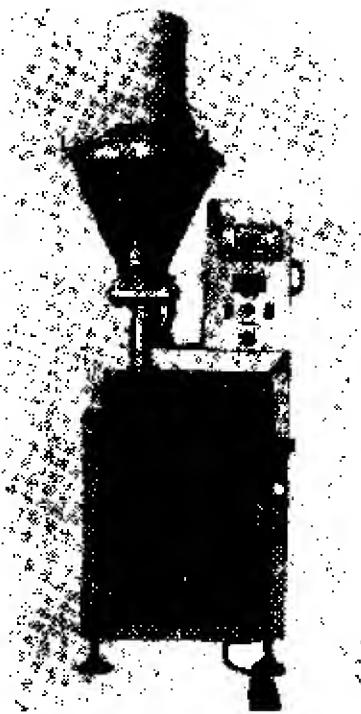
[का. सं. डब्ल्यू.एम-21(62)/2007]

आर माधुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th March, 2008

S.O. 849.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Automatic Gravimetric Filling Instrument (Weigh filler) belonging to accuracy class X (1) of "SWP" series with brand name "SEALTEC" (herein referred to as the said model), manufactured by M/s. Sealtec Industries, No. 162/5 Near Bus Stop, Triveni Nagar (Talwade), Pune-412 114, Maharashtra and which is assigned the approval mark IND/09/07/235;



The said Model is a strain gauge type load cell based Automatic Gravimetric Filling Instrument (Weigh filler). Its maximum capacity is 10 kg. Its maximum fill rate is 20 fills per minute. The machine is designed for filling the free flowing products like biscuit, powder, pulses, grains, spices, tea, sugar rice, seeds etc. The Light Emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc.

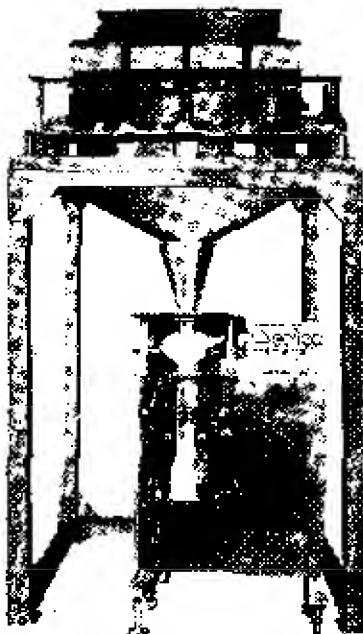
Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with capacity in the range of 10 g. to 10 kg. manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(62)/2007]
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 5 मार्च, 2008

का. आ. 850.—केन्द्रीय सरकार का, विहित प्रधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में सर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्युक्त अनुरूप है और इस बात की समावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भैसर्स सीरिटेक इंस्ट्रीज, नं. 162/5 नीचेर बस स्टॉप, त्रिवेणी नगर (तलबड़े), पुणे-412114 महाराष्ट्र द्वारा विनियमित यथार्थता घर्ग एक्स (1) वाले “एस डब्ल्यू ए पी” भूखला के अटोमेटिक ग्रेविमेट्रिक फिलिंग इंस्ट्रुमेंट (वे फिलर) के मॉडल का, जिसके बांड का नाम “सीलटेक” है (जिसे इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/236 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित स्वचालित ग्रेविमेट्रिक फिलिंग (वे फिलर) जोगर एंटीचेमेंट सहित उपकरण है। इसकी अधिकतम शक्ति 10 किं.ग्रा. है इसकी अधिकतम फिल दर 20 फिल्स प्रति मिनट है। मशीन को नॉन-फ्ली फ्लीइंग उत्पादों जैसे पाठड़र, मैदा, आदि की फिलिंग के लिए डिजाइन किया गया है। प्रकाश उत्पादक डायोड (एस ई डी) प्रदर्शी तोलन परिणाम उपकरण बनाता है। उपकरण 230 बोल्ट और, 50 हर्ट्ज प्रत्यावर्ती भारा विद्युत प्रदाय पर कार्य करता है।

स्वार्पिण्य स्टेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए छोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

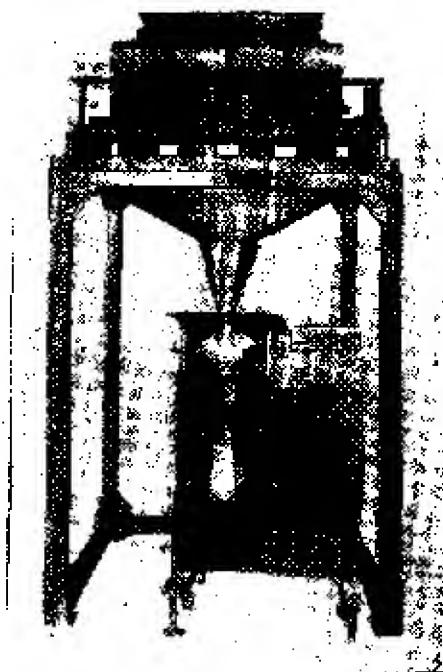
और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनियमीत द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनियमित किया गया है, विनियमित उसी भूखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 10 ग्रा. से 10 कि. ग्रा. तक की रेज में हैं।

[का. सं. डब्ल्यू एम-21(62)/2007]
आर. माधुरवृथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th March, 2008

S.O. 850.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Automatic Gravimetric Filling Instrument (Weigh filler) belonging to accuracy class X (1) of "SWAP" series with brand name "SEALTEC" (herein referred to as the said Model), manufactured by M/s. Sealtec Industries, No. 162/5 Near Bus Stop, Triveni Nagar (Talwade), Pune-412 114, Maharashtra and which is assigned the approval mark IND/09/07/236M;



The said Model is a strain gauge type load cell based Automatic Gravimetric Filling Instrument (Weigh filler) along with auger attachment. Its maximum capacity is 10 kg. Its maximum fill rate is 20 fills per minute. The machine is designed for filling the non-free flowing products Such as powders, maida, atta. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity in the range of 10 g. to 10 kg. manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

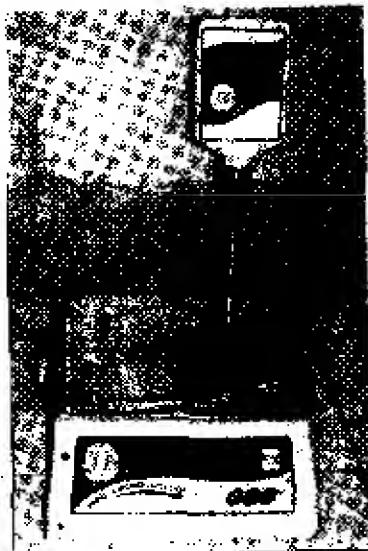
[F. No. WM-21(62)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2008

का. आ. 851.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाचार हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्योग के अनुरूप है और इस बाट को संभवना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स शिवा इंजीनियरिंग कामोर्सन, ए-४, ग्राउंड फ्लोर, लाल बिल्डिंग, शिवाजी मार्ग, राउतकोला-७६९०१२ द्वारा विनियमित उच्च यथार्थता (यथार्थता वर्ग-II) बाट “यो एस जे” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “एसईसी” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विह आई एन डी/०९/०७/२२४ समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित (टेबलटाप प्रकार) का तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूट्रम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत अव्यक्ततात्पर्य धारित आधेयतुलन प्रमाण है। प्रकारण उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज ग्रस्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टार्टिंग स्टेट के मुद्रांक के अतिरिक्त मशीन को कपटपूर्ण अवधारणों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को विक्री से यहसे या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन, सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनियमात द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनियमित किया गया है, विनियमित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक के “ई” मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. की अधिकातम क्षमता छाले हैं और “ई” मान 1×10^4 , 2×10^4 अथवा 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. छब्बी एम-21(110)/2007]

आर. माधुरवृथम, निदेशक, विधिक माप विभाग

New Delhi, the 7th March, 2008

S.O. 351.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Tabletop type) with digital indication of "PSJ" series of high accuracy (Accuracy class-II) and with brand name "SEC" (herein referred to as the said Model), manufactured by M/s. Shiva Engineering Corporation, A-8, Ground Floor, Lal Building, Shivaji Marg, Rourkela-769012, Orissa and which is assigned the approval mark IND/09/07/224;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (*e*) is 2 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

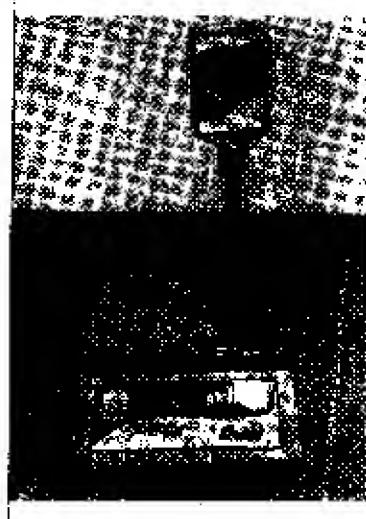
Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval (*n*) in the range of 100 to 50,000 for '*e*' value of 1 mg. to 50 mg. and with number of verification scale interval '*n*' in the range of 5000 to 50000 for '*e*' value of 100 mg. or more and with '*e*' value of 1×10^k , 2×10^k or 5×10^k , *k* being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(110)/2007]
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2008

का. आ. 852.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति हैं) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स शिवा इंजीनियरिंग कॉर्पोरेशन, ए-8, ग्राउंड फ्लॉर, लाल बिल्डिंग, शिवाजी मार्ग, रावड़कला-769 012, उड़ीसा द्वारा विनिर्दित भव्यम् यथार्थता (यथार्थता वर्ग-III) वाले “एसटीटी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके डॉड का नाम “एसईसी” है (जिसे इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/225 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करता है।



उक्त मॉडल एक विकृत गेज़ प्रकार का भार सेल आधारित अस्वचालित (टेबलटाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 किलो है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शन प्रतिशत अस्वकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टार्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए भी सीलचन्द किया जाएगा और मॉडल को बिक्री से बहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायाग्राम, निष्पादन सिङ्गांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त मॉडल विनिर्दित किया गया है, विनिर्माण उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि. ग्रा. तक अधिकतम क्षमता वाले हैं और ‘ई’ मान 1×10^4 , 2×10^4 अथवा 5×10^4 , के हैं, जो घनात्मक या ऊन्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(110)/2007]
आ. माधुरव्यूथम, निदंशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2008

S.O. 852.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of "STT" series of medium accuracy (Accuracy class-III) and with brand name "SEC" (hereinafter referred to as the said model), manufactured by M/s. Shiva Engineering Corporation, A-8, Ground Floor, Lal Building, Shivaji Marg, Rourkela-769 012, Orissa and which is assigned the approval mark IND/09/07/225;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(110)/2007]
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 7 मार्च, 2008

का, आ. 853.—केन्द्रीय सरकार का, विहित अधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्योगी के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स शिवा इंजीनियरिंग कॉर्पोरेशन, ए-१, ग्राउंड फ्लोर, ताल विल्डिंग, शिवाजी मार्ग, राउकेला-७६९ ०१२, उडीसा द्वारा विनिर्मित पद्धति यथार्थता (यथार्थता वर्ग-III) बाले "एसपीएफ" भूखला के स्वतःसूचक अंकक सूचन सहित, अखंचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ड्राइंड का नाम "एसईसी" है (जिसे इसमें इसके प्रयोग उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/०९/२२६ समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार संल आधारित अखंचालित होलन उपकरण है। इसकी अधिकतम क्षमता 150 कि.ग्रा. है और न्यूनतम क्षमता 400 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 20 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शाल प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्शन तोलन परिणाम उपर्योगी है। उपकरण 230 बोल्ट, 50 हर्ट्ज प्रव्यावरी आय विद्युत प्रदाय पर कार्य करता है।

स्टार्मिंग स्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलांच भी किया जाएगा और मॉडल को बिन्ही से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी भूखला के बैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. वा उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि. ग्रा. से 5000 कि. ग्रा. तक की अधिकतम क्षमता बाले हैं और 'ई' मान 1×10^6 , 2×10^6 अथवा 5×10^6 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

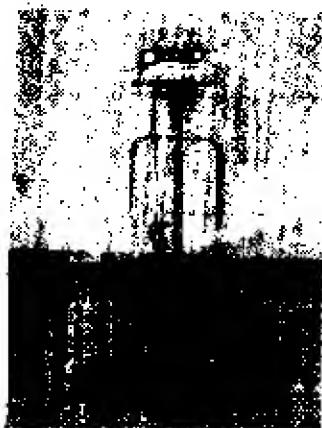
[फा. सं. डब्ल्यू एम-21(110)/2007]

आर. माधुरेख्यम, निदेशक, विधिक माप विज्ञान

New Delhi, the 7th March, 2008

S.O. 853.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating non-automatic (Platform type) weighing instrument with digital indication of "SPF" series of medium accuracy (Accuracy class-III) and with brand name "SEC" (hereinafter referred to as the said model), manufactured by M/s. Shiva Engineering Corporation, A-8, Ground Floor, Lal Building, Shivaji Marg, Rourkela-769 012, Orissa and which is assigned the approval mark IND/09/07/226;



The said Model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 150kg, and minimum capacity of 400g. The verification scale interval (e) is 20g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

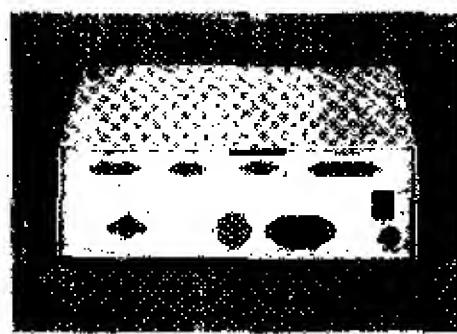
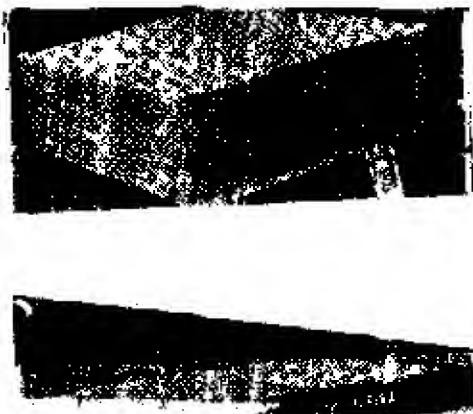
Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50kg and upto 5000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(110)/2007]
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 14 मार्च, 2008

का. आ. 854.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत स्पोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में विभिन्न मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि सागातार प्रयोग की अवधि में भी उक्त मॉडल्स यथार्थता बनाए रखेगा और विभिन्न एरिस्थितियों में उपकुप्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स क्लेट्रेक, एस-3/ए, मिसनर पैलेस, श्रीमीखाल, कटक रोड, मुखनेश्वर-751010, उडीसा द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) बाले "डब्ल्यू टी डब्ल्यू" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (बैंडिंग प्रकार) के मॉडल का, जिसके बांड का नाम "लोबल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/153 समतुदेशित किया गया है, अनुमोदन प्रकाश-पत्र जारी करती है।



उक्त मॉडल भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 50,000 कि.ग्रा. है और न्यूनतम क्षमता 200 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 10 कि.ग्रा. है। इसमें एक आधेयतुलन मुक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश वत्सर्वक डायोड (एल ई डी) प्रदर्शी तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

इंडीकेटर की दोनों साइडों में छिद्र करके और इन छिद्रों से लीड बायर बांध कर पार करके इन पर लीड सील से सीलिंग की जाती है। उपकरण को सील तोड़े बिना खोला नहीं जा सकता। मॉडल के सीलिंग प्रावधान का स्कॉपिंग डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रकाश-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के बैसे ही येक, यथार्थता और कार्यपालन के तोलन उपकरण अंडे जो 5 ग्रा. अधिक उससे अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5000 कि.ग्रा. से ऊपर और 150 टन तक की अधिकतम क्षमता बाले हैं और 'ई' मान ($\times 10^3$, 2×10^3 अथवा 5×10^3 , के हैं, जहां पर 'के' भनात्मक या छूटात्मक चूर्णीक या शून्य के समतुल्य हैं।

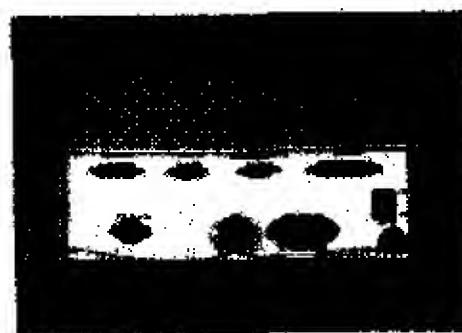
[फा. सं. डब्ल्यू एस-21(215)/2006]

आर. मायुरवृथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 14th March, 2008

S.O. 854.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (weighbridge type) with digital indication of "WTW" series of medium accuracy (accuracy class-III) and with brand name "GLOBAL" (herein referred to as the said model), manufactured by M/s. Weighttrack, S-3/A, Girnar Palace, Bomikhal, Cuttack Road, Bhubneshwar-751010, Orissa and which is assigned the approval mark IND/09/07/153;



The said Model is a load cell based weighing instrument with a maximum capacity of 50,000kg, and minimum capacity of 200kg. The verification scale interval (e) is 10 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

The sealing is provided on the indicator by making a hole each on both sides of the indicator and passing a leaded wire fastened to these holes and sealing it with leaded seal. The instrument cannot be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity between 5000 kg and up to 150 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and 'e' value of form 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(215)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

भारतीय मानक व्यूरो

नई दिल्ली, 4 अप्रैल, 2008

का. आ. 855.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एवं द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे रद कर दिए गए हैं :—

अनुसूची

क्रम सं	रद किये गये मानक(ओं) की संख्या, वर्ष और शीर्षक	मारत के उच्चपत्र भाग 2, खंड 3, उपखंड (ii) में का. आ. सं. और तिथि प्रकाशित	टिप्पणी
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(1)	(2)	(3)	(4)
1.	आई एस : 3642 : 1978 शाल्य चिकित्सा उपकरणों की सामान्य अपेक्षायें (प्रथम पुनरीक्षण)		
2.	आई एस : 10546 : 1984 चिमटी (फोर्सेप) यूटरस होल्डिंग डारटोजीस हिस्ट्रोलेव पैटर्न		
3.	आई एस : 12418 (भाग 2) : 1987 इन्ड्रा यूटरस गर्भनिरोधक युक्तियां भाग 2 बल ज्ञात करना		
4.	आई एस : 12418 (भाग 3) : 1987 इन्ड्रा यूटरस गर्भनिरोधक युक्तियां भाग 3 पैकिंग प्रदर्श लेबलिंग		
5.	आई एस : 4788 : 1986 छुरी नैन, कैपसूलटामी, जिगलर पैटर्न की विशिष्टि		
6.	आई एस : 4789 : 1986 छुरी, योतियाबिंद, गेफ, पैटर्न की विशिष्टि		
7.	आई एस : 5234 : 1989 नैन शाल्यक्रिया उपकरण-चिमटी (फोर्सेप), नैन, अतिरिक्त कैपसूल काउपर्से पैटर्न		
8.	आई एस : 7860 : 1975 मास्क, चेडवार्न रूपान्तरणों सहित शिमेल बॉस पैटर्न की विशिष्टि		
9.	आई एस : 6513 : 1985 ऑक्सिजन चिकित्सा के लिए ऑक्सिजन सिलिडों के साथ प्रयुक्त सुक्ष्म समायोजन वाल्य की विशिष्टि		
10.	आई एस : 10796 : 1983 फेफड़ों के लिये बॉटलटरों की विशिष्टि		
11.	आई एस : 12504 (भाग 3) : 1988 ट्रेकियल द्वयों की विशिष्टि		
12.	आई एस : 12504 (भाग 5) : 1988 कफ और द्रव्यों की अपेक्षायें और परिवर्णन पद्धतियाँ		
13.	आई एस : 10578 : 1983 शाल्यक्रिया हेतु लिंग द्रविस		

[संदर्भ एवं एच डी/जी-3.5]

राहुल कुमार, वैज्ञ. 'एफ' एवं प्रपुत्र (एम एच डी)

BUREAU OF INDIAN STANDARDS

New Delhi, the 4th April, 2008

S.O. 855.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, it is hereby notified that the Indian Standards, particulars of which are given in the Schedule given hereafter, have been cancelled and stand withdrawn.

SCHEDULE

Sl No.	No. and Year of the Indian Standards	S.O. & Date published in the Gazette of India, Part-II, Section 3, Sub-section (ii)	Remarks
(1)	(2)	(3)	(4)
1.	IS 3642:1978 General requirements for surgical instruments (first revision)		
2.	IS 10546:1984 Forceps, uterus, Holding dartique hysteroleeb		
3.	IS 12418 (Part 2): 1987 Intra uterine contraceptive device Part 2, Determination of breaking force		
4.	IS 12418 (Part 3): 1987 Intra uterine contraceptive device Part 3 Packing and labelling		
5.	IS 4788: 1986 Specification for knife, Eye, Capsulotomy, Ziegler's pattern		
6.	IS 4789: 1986 Specification for knife, Cataract, Graefe's pattern		
7.	IS 5234: 1989 Eye surgery Instruments-Forceps, eye, extra-capsule, couper's pattern (modified)		
8.	IS 7860: 1975 Specification for mask or Scimmelbusch's pattern with Chadborn's modification		
9.	IS 6513: 1985 Specification for fine adjustment valves for use with oxygen cylinders for oxygen therapy		
10.	IS 10796: 1983 Specification for lung ventilators		
11.	IS 12504 (Part 3): 1988 Specification Tracheal Tubes-part 3: Murphy		
12.	IS 12504 (Part 5): 1988 Specification Tracheal Tubes-part 5: Requirements and methods of test for cuffs and tubes		
13.	IS 10578: 1983 Surgical spring trusses.		

[Ref. MHD/G-3.5]

RAHUL KUMAR, Sc. 'F' & Head (MHD)

नई दिल्ली, 7 अप्रैल, 2008

का.आ. 856.—भारतीय मानक अमूर्त नियम, 1987 के नियम 7 के उप नियम (1) के खांड (ख) के अनुसरण में भारतीय मानक अमूर्त प्रकाशित करता है कि नीचे अनुसूची में दिये गये मानक(कों) वे संशोधन किया गया/किये गये हैं:—

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक(कों) की संख्या, वर्ष और हीरोक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
1.	आई एस 12615: 2004 कलो रक्ष प्रेरण मोटर लैन फेनी रिक्षयात्र केज (पहला युनिट्स)	1 अप्रैल, 2008	28-03-2008

इस संशोधन की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, कार्यालयों : नई दिल्ली, कोलकाता, चांडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, मुम्बैश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिक्कनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी 15/टी-41]

श्री. कौ. मुखर्जी, वैज्ञा. 'एफ' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 7th April, 2008

S.O. 856.—In pursuance of clause (b) of sub rule (1) of Rule (7) of Bureau of Indian Standards Rules, 1987 the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued:

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
I.	IS 12615 : 2004 Energy efficient induction motors three phase squirrel cage (first revision)	1, March 2008	28-03-2008

Copy of this amendment is available with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref. ET 15/T-41]

P. K. MUKHERJEE, Sc. 'F' & Head (Electrotechnical)

कोयला मंत्रालय

नई दिल्ली, 9 अप्रैल, 2008

का.आ. 857.—केन्द्रीय सरकार, गजमाला नियम (संघ के शासकीय प्रयोजन के लिए प्रयोग), 1976 (यथा संशोधित, 1987) के नियम 10 के उपनियम (4) के अनुसरण में, कोयला मंत्रालय के अधीन कोल इंडिया लि. के दिल्ली कार्यालय को, जिसके 80% से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[सं. ई-12019/1/99-हिंदी]

कैलाश पाति, आर्थिक सलाहकार

MINISTRY OF COAL

New Delhi, the 9th April, 2008

S.O. 857.—In pursuance of sub-rule (4) of the Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976 (as amended, 1987) the Central Government, hereby, notifies the CII, Kolkata under the Ministry of Coal, whereof more than 80% staff have acquired working knowledge of Hindi.

[No. E-12019/1/99-Hindi]

KAILASHI PATI, Economic Adviser

नई दिल्ली, 10 अप्रैल, 2008

का.आ. 858.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपायदृ अनुसूची में उल्लिखित परिषेत्र की भूमि में कोयला अभियान किए जाने की संभावना है;

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले के लिए पूर्वक्षण करने के अपने आशय की सूचना देती है;

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक सं. डी.जी./8670 लारीख 14 नवम्बर, 2007 का निरीक्षण महाप्रबंधक (गवेषण प्रभाग), सेंट्रल माइन प्लानिंग एण्ड डिजाइन इंस्टीच्यूट, गोदावाना प्लॉस, कौकै रोड, रांची या कोयला नियंत्रक, 1 कार्डिसिल हाऊस स्ट्रीट, कोलकाता-700001 के कार्यालय में या जिला कलंकटर, जिला रायगढ़, छत्तीसगढ़ के कार्यालय में किया जा सकता है।

इस अधिसूचना के अंतर्गत आने वाली भूमि में हितायदृ सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों,

चारों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नव्ये दिन के भीतर महाप्रबंधक (गोदानप्रभाग), सेंट्रल माइनिंग एण्ड डिवाइल इंस्टीचूट, गोदानप्रभाग प्लॉस, कॉके रोड, रांची को भेजें।

अनुसूची

चिरा नार्थ ईस्ट “बी” ब्लॉक, मांद रायगढ़, कोयला क्षेत्र
जिला-रायगढ़ (छत्तीसगढ़)

रेकॉर्ड सं. डीबी/8670 तारीख 14 नवम्बर, 2007

क्र. सं.	ग्राम	थाना/ तहसील	ग्राम	ज़िला	क्षेत्रफल (एकड़ लागभग)	हेक्टेयर में क्षेत्र	टिप्पणियाँ
1.	बोरो	धरमजयगढ़	321600	रायगढ़	595.5	241.0	भाग
2.	जबगा	धरमजयगढ़	321700	रायगढ़	49.0	20.0	भाग
3.	वनक्षेत्र	सुरक्षित वन क्षेत्र		रायगढ़	697.0	282.0	भाग
					1341.5	543.0	
					(लागभग)	(लागभग)	

स्वैतंत्र वर्णनः

क-ख रेखा (लाइन) बोरो गांव के “क” बिन्दु से आंभ होती है, और चंगल के बिन्दु “ख” पर मिलती है।

ख-ग रेखा (लाइन), जोगे गांव के चंगल से होकर गुजरती हुई तथा वन के दक्षिणी किनारे के “ग” बिन्दु पर मिलती है।

ग-घ रेखा चंगल के पूर्वी हिस्से से गुजरती हुई वन के ही दक्षिणी पूर्वी भाग के बिन्दु “घ” पर मिलती है।

घ-क रेखा वन से गुजरती हुई बोरो गांव के बिन्दु “क” पर चापस मिल जाती है।

[फा. सं. 43015/4/2008-पीआरवाईडब्ल्यू-I]

एम. शाहबुद्दीन, अवर सचिव

New Delhi, the 10th April, 2008

S.O. 858.—Whereas it appears to the Central Government that Coal is likely to be obtained from the lands in the locality mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisitions and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby given notice of its intention to prospect for coal therein;

The plan number DG/8670 dated the 14th November, 2007 of the area covered by this notification can be inspected at the office of General Manager (Exploration Division), Central Mine Planning and Design Institute, Gondwana Place, Kanke Road, Ranchi or at the office of the Coal Controller, 1, Council House Street, Calcutta or at the office of the District Collector, District Raigarh, Chhattisgarh.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred in sub-section (7) of section 13 of the said Act to the General Manager (Exploration Division), Central Mine Planning and Design Institute, Gondwana Place, Kanke Road, Ranchi within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE

Chira North East-B Block, Mand Raigarh Coalfield, District Raigarh, Chhattisgarh

Plan bearing number DG/8670 dated the 14th November 2007

Sl. No.	Village	Thana/ Tehsil	Village No.	District	Area in (Acres) (Approx)	Area in (Hectares) (Approx)	Remarks
1	Boro	Dharamjai Garh	321600	Raigarh	595.5	241.0	Part
2	Jabga	Dharamjai Garh	321700	Raigarh	49.0	20.0	Part
3	R. Forest			Raigarh	697.0	282.0	Part
					1341.5	543.0	
					(Approximate- ly)	(Approximate- ly)	

BOUNDARY DESCRIPTION

A-B:- The line start at point 'A' in village Boro and meets point 'B' in forest.

B-C:- The line passes through Forest village Bora and meets point 'c' in the southern part of the forest.

C-D:- The line passes through eastern side of the forest and meets point 'D' in the south-eastern part of the forest.

D-A:- The line passes through forest and meets point 'A' in village Boro.

[File No. 43015/04/2008-PRIW-I]

M. SHAHABUDEEN, Under Secy.

नई दिल्ली, 10 अप्रैल, 2008

का.आ. 859.—केन्द्रीय सरकार, कोयला धारक क्षेत्र (अजन्म और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 7 को उपधारा (1) के अधीन जारी की गई। भारत सरकार के कोयला मंत्रालय की अधिसूचना संलग्नक का.आ. 4412 तारीख 13 नवम्बर, 2006 जो भारत के राजपत्र, भाग II, छांक 3 उपधारा (II), तारीख 18 नवम्बर, 2006 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि और अधिकारी का अजन्म करने के अपने आवाय की सूचना दी थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और भव्य प्रदेश सरकार से परामर्श करने के पश्चात् यह समझन हो गया है कि इससे संलग्न अनुसूची में यथावर्णित 175.118 हेक्टर (लगभग) या 432.72 एकड़ (लगभग) माप वाली भूमि अर्जित की जानी चाहिए।

आतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इससे संलग्न अनुसूची में यथावर्णित 175.118 हेक्टर (लगभग) या 432.72 एकड़ (लगभग) माप वाली भूमि अर्जित किया जाता है।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखाक संलग्नक एसईसीएल/बीएसपी/बीएस/बीएसजी/भूमि 314 तारीख 14-09-2007 का निरीक्षण कलेक्टर, कोरवा (छत्तीसगढ़) को कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलाकता के कार्यालय में या साइबर ईस्टर्न कोलकाता लिमिटेड (राजस्व अनुभाग), सीपाटा रोड, खिलासपुर 495006 (छत्तीसगढ़) को कार्यालय में किया जा सकता है।

अनुसूची

अमरपुर दक्षिण विस्तार खालक, कोरवा क्षेत्र

ज़िला कोरवा (छत्तीसगढ़)

खालन अधिकार

क्र. सं.	ग्राम का नाम	पटवारी हस्तका नंबर	खेकट संख्या	ताडसील	ज़िला	क्षेत्र हेक्टर में	टिप्पणी
1.	जवाली	33	69	कटघोरा	कोरवा	87.677	भाग
2.	सिंधाली	33	68	कटघोरा	कोरवा	59.542	भाग
3.	अभयपुर	33	26	कटघोरा	कोरवा	27.899	भाग

योग:- 175.118 हेक्टर (लगभग) या 432.72 एकड़ (लगभग)

(1) ग्राम जवाली (भाग) में अर्जित किए जाने वाले प्लाट संख्या-

11 से 13, 10 से 129, 133, 189, 190(भाग) 191, 192(भाग) 193(भाग)

(2) ग्राम सिंधाली (भाग) में अर्जित किए जाने वाले प्लाट संख्या-

1 से 7, 8/1 (भाग), 270 (भाग), 307, 310 से 313, 315 से 323, 325 से 329, 330(भाग)

(3) ग्राम अभयपुर (भाग) में अर्जित किए जाने वाले प्लाट संख्या-

180(भाग), 226(भाग), 227(भाग), 228 (भाग), 229, 230(भाग), 231, 233(भाग), 237(भाग), 238(भाग), 240(भाग), 241(भाग), 242 से 284

सीधा चर्चानि:

क-ख रेखा ग्राम जवाली और विजयपुर की संयुक्त सीमा पर चिन्ह "क" से आरम्भ होती है और उसी संयुक्त सीमा से गुजरती हुई चिन्ह 'ख' पर मिलती है।

ख-ग रेखा ग्राम जवाली और अभयपुर की भागत; संयुक्त सीमा से होती हुई ग्राम अभयपुर में प्रवेश करती है और प्लाट सं. 180, 238, 240, 241, 237, 233, 230, 228, 227, 226 से गुजरती हुई ग्राम सिंधाली एवं प्रवेश करती है और प्लाट सं. 8/1, 270 से गुजरती हुई 'ग' चिन्ह पर मिलती है।

ग-घ रेखा ग्राम सिंधाली के प्लाट संख्या 270, 307, 311, 310, 313, 316, 322, 323 की दक्षिणी सीमा, बाद में प्लाट सं. 330 से गुजरती हुई ग्राम सिंधाली एवं जवाली की संयुक्त सीमा के 'घ' पर मिलती है।

घ-क रेखा ग्राम जवाली के प्लाट संख्यांक 192, 193, 190 से होकर बाद में प्लाट सं. 116, 129, 116, 133, 125, 104, 12, 13, 11 की पश्चिमी सीमा से गुजरती हुई आंतरिक चिन्ह 'क' पर मिलती है।

[संलग्ना 43015/3/2005-पीआरआईडब्ल्यू]

एम. शाहबुदीन, अवर सचिव

New Delhi, the 10th April, 2008

S.O. 449.—Whereas by the notification of Government of India in the Ministry of Coal number S.O. 4412 dated the 13th November 2006, under sub-section (i) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India part II, Section 3, sub-section (ii) dated the 18th November 2006, the Central Government gave notice of its intention to acquire land and rights in the locality specified in the Schedule appended to that notification;

And whereas, the competent authority, in pursuance of Section 8 of the said Act has made his report to the Central Government;

And whereas, the Central Government after considering the aforesaid report and after re-consulting the Government of Chhattisgarh is satisfied that the lands measuring the 175.118 hectares (approximately) or 432.72 acres (approximately) described in the Schedule appended hereto, should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 9 of the said Act, the Central Government hereby declares that the rights in the lands measuring 175.118 hectares (approximately) or 432.72 acres (approximately) as described in the said Schedule are hereby acquired.

The plan bearing number SECURSP/GM/(PLG)/LAND/314 dated 14th September, 2007 of the areas covered by this notification may be inspected in the Office of the Collector, Korba, (Chhattisgarh) or in the Office of the Coal Controller, I Council House Street, Kolkata or in the Office of the South Eastern Coalfield Limited (Revenue Section) Seepat Road, Bokaro-495006 (Chhattisgarh);

SCHEDULE

Amarpur South Extension Block
Korba Area
District Korba (Chhattisgarh)

Mining Rights

Sl No.	Name of Village	Patwari No.	Khewat No.	Tehsil	District	Area in (Hectares)	Remarks
1.	Jawali	33	69	Katghora	Korba	87.677	Part
2.	Singhali	33	68	Katghora	Korba	59.542	Part
3.	Abhaipur	33	26	Katghora	Korba	27.899	Part

Total:- 175.118 Hectares (Approximately) or 432.72 Acres. (Approximately)

- (1) Plot numbers to be acquired in Village Jawali (Part):—
11 to 13, 104 to 129, 133, 189, 190 (part), 191, 192 (part), 193 (part).
- (2) Plot numbers to be acquired in Village Singhali (Part):—
1 to 7, 8/1 (part), 270 (part), 307, 310 to 313, 315 to 323, 325 to 329, 330 (part).
- (3) Plot Numbers to be acquired in Village Abhaipur (part):—
180 (part), 226 (part), 227 (part), 228 (part), 229, 230 (part), 231, 233 (part), 237 (part), 238 (part), 240 (part), 241 (part), 242 to 284.

Boundary Description:

A-B: Line Starts from point "A" on the common boundary of Villages Jawali & Village Bijaipur and passes along the same common boundary and meets at point "B".

B-C: Line passes along the partly common boundary of Village Jawali & Village Abhaipur, then enters in Village Abhaipur and passes through plot numbers 180, 238, 240, 241, 237, 233, 230, 228, 227, 226 then enters in Village Singhali and passes through plot numbers 8/1, 270 and meets at point "C".

C-D: Line passes along the southern boundary of plot numbers 270, 307, 311, 310, 313, 316, 322, 323 of Village Singhali, then through plot number 330 and meets point "D" at the common boundary of Village Jawali & Singhali.

D-A: Line passes through plot numbers 192, 193, 190 of Village Jawali then along western boundary of plot numbers 116, 129, 133, 125, 104, 12, 13, 11 and meets at the starting point "A".

[No.43015/3/2008-PR/W]

M. SHAHABUDEEN, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 16 अप्रैल, 2008

का.आ. 860.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्य प्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली मांगल्या राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कारोबोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इसमें उपार्थ अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितवद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इको स दिन के भीतर, भूमि को नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में, श्रीपति भगवंती जेठवानी, सक्षम प्राधिकारी, मुम्बई-मांगल्या पाइपलाइन विस्तार परियोजना, भारत पेट्रोलियम कारोबोरेशन लिमिटेड, बी 105, इन्दौर विहार तलवाही, कोटा-324005 (राजस्थान) को लिखित रूप में आशेष भेज सकेगा।

अनुसूची

तहसील : इन्दौर जिला : बुंदी राज्य : राजस्थान

क्र. सं.	ग्राम का नाम	सर्व नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1.	लबान	180	0.0344

[फा. सं. आर-31015/85/2004-ओआर-II]
ए. गोस्वामी, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 16th April, 2008

S. O. 860.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Mangalya (Indore) terminal in the State of Madhya Pradesh, an extension pipeline to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shrimati Bhagwanti Jathwani, Competent Authority, Mumbai-Mangalya Pipeline Extension Project, Bharat Petroleum Corporation Limited, B-105, Indra Vihar, Talwandi, Kota-324005 (Rajasthan).

Tehsil : Indargach District : Bundi State : Rajasthan

Sl. No	Name of the Village	Survey No.	Area in Hectare
1	2	3	4
1.	Laban	180	0.0344

[F. No. R-31015/85/2004-OR-II]

A. GOSWAMY, Under Secy.

नई दिल्ली, 16 अप्रैल, 2008

का.आ. 861.—भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि राजस्थान राज्य में मनसारामपुरा-बी.पी.सी.एल. पाइपलाइन परियोजना अंतर्गत गेल (इण्डिया) लिमिटेड के मनसारामपुरा स्टेशन से बी.पी.सी.एल. बोटलिंग स्लांट तक गेल (इण्डिया) लिमिटेड द्वारा एक्सपीजी गैस के परिवहन के लिए एक एक्सपीजी पाइपलाइन बिछाई जानी चाहिए;

और भारत सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

अतः अब, भारत सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितवद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना

को प्रतियों साधारण जनता को उपलब्ध करा दी जाती है, इकोस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, श्री एस. सी. जैन, सफल प्राधिकारी, चतुर्थ तल, क्रिस्टल मॉल, ए-3, सवाई जय सिंह राजमार्ग, बनीपार्क, जयपुर-302016 (राजस्थान) को लिखित रूप में आशेप भेज सकेगा।

अनुसूची

जिला	पहलील	गांव	सर्वे नं.	आरओ.यू. अर्जित करने के लिए क्षेत्रफल (हेक्टेयर में)
1	2	3	4	5
जयपुर	जयपुर	मनसारामपुरा	73	0.0228
			75	0.0178
			76/382	0.1270
			योग	0.1676
	बावड़ी	347	0.0450	
		346	0.0030	
		345	0.0120	
		344	0.0300	
		340	0.0050	
		342	0.0450	
		296	0.0200	
		336	0.0550	
		314	0.0640	
		311	0.0740	
		310	0.0770	
		योग	0.4300	

[फा. सं. एल-14014/4/07-जी.पी.]
के. के. शर्मा, अवर सचिव

New Delhi, the 16th April, 2008.

S.O. 861.—Whereas it appears to Government of India that it is necessary in the public interest that for transportation of LPG from GAIL's IP Station at Mansarampura to BPCL Bottling Plant at Jaipur through Mansarampura-BPCL pipeline project in State of Rajasthan, a LPG pipeline should be laid by GAIL (India) Limited;

And whereas it appears to Government of India that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 Government of India hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri S. C. Jain Competent Authority, 4th Floor, Crystal Mall, A-3, Sawai Jai Singh Highway, Banipark, Jaipur-302016 (Rajasthan).

SCHEDULE

District	Tehsil	Village	Survey	Area to be acquired for ROU (in Hectare)
1	2	3	4	5
Jaipur	Jaipur	Mansaram-pura	73	0.0228
			75	0.0178
			76/382	0.1270
			Total	0.1676
	Bawali		347	0.0450
			346	0.0030
			345	0.0120
			344	0.0300
			340	0.0050
			342	0.0450
			296	0.0200
			336	0.0550
			314	0.0640
			311	0.0740
			310	0.0770
			Total	0.4300

[F. No. L-14014/4/07-G.P.]

K. K. SHARMA, Under Secy.

नई दिल्ली, 16 अप्रैल, 2008

S.O. 862.—भारत सरकार ने पेट्रोलियम और खनिय पाइपलाइन (भूमि में उपयोग के अधिकार का अवैतनिक) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन यारी भारत सरकार के पेट्रोलियम और खनकालीक राज संसाधन का अधिकृत द्वारा विभिन्न भूमि में गेल (इण्डिया) लिमिटेड द्वारा महाराष्ट्र राज्य में कारोबार-पुनर्पाइपलाइन पारियोजना के लियाय

से प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 28-01-2008 से 30-01-2008 तक उपलब्ध करा दी गई थीं;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है;

और पाइपलाइन बिछाने के संबंध में जनता से कोई आक्रोप प्राप्त नहीं हुए;

और भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि में पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, भारत सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाना है;

और, भारत सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्देश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तरीख को, भारत सरकार ये निहित होने के बजाए, पाइपलाइन बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निवांधनों और शातों के अधीन रहते हुए, सभी विलंगामों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

चिल्ड संख्या	तहसील	ग्राम	सर्वे नं.	आर और दू हेतु अवाप्त योग्य रकम (ईक्टर्स में)	
				1	2
खौलपुरी	बाड़ी	बटेखरकला	153	0.0030	
			100	0.0300	
			101	0.0440	
			152	0.0040	
			151	0.0060	
			194	0.0100	
			195	0.0580	
			112	0.0270	
			107	0.0030	
			106	0.0250	
			105	0.0330	
			183/296	0.3390	
			183/297	0.0250	

1	2	3	4	5
			183/366	0.1080
			योग	0.7350
			कुहावनी	
			92	0.0075
			90	0.0075
			88	0.0400
			501	0.0050
			योग	0.0600
			गढ़ी खिराना	
			583	0.0150
			598	0.0300
			599	0.0150
			603	0.1050
			602	0.0100
			1018	0.0132
			597	0.0108
			योग	0.1990
			रानपुर	
			170	0.1892
			178	0.0540
			योग	0.2432
			अलीगढ़	
			596	0.0450
			883	0.0600
			884	0.0100
			890	0.0900
			891	0.0200
			880	0.0300
			878	0.0398
			876	0.0370
			874	0.0398
			योग	0.3616
			जरारी चेंसुआ	
			1040	0.0100
			1032	0.1210
			1031	0.0100
			योग	0.1410
			लखोपुरा	
			70	0.0500
			67	0.0278
			65	0.0676
			योग	0.1454
			पुरा उलावड़ी	
			467	0.0162
			योग	0.0162
			खण्डपुरा	
			44	0.0248
			49	0.0230
			53	0.0450
			144	0.0100
			145	0.0125
			146	0.0225
			योग	0.1378
			कुटी का पूरा	1628/4020
			योग	0.0648
			योग	0.0648

1	2	3	4	5
अफवालपुर	2301	0.0418		
	2296	0.0100		
	2295	0.0200		
	2245	0.0486		
	2240	0.0020		
	2237	0.00100		
	2238	0.0204		
	2230	0.0400		
	2213	0.0200		
	2206	0.0082		
बालपुरा	योग	0.2210		
	2215	0.1890		
	2216	0.0810		
	योग	0.2700		
करहोली	14	0.0140		
	17	0.0080		
	21	0.0473		
	22	0.0532		
	23	0.0060		
	28	0.0770		
	40	0.0760		
	योग	0.2820		
	400	0.0130		
	399	0.0146		
कीलपुर	योग	0.0276		
	301	0.3348		
	योग	0.3348		
सरानी	1345	0.1188		
	योग	0.1188		
	405	0.0100		
विलगांवा	योग	0.0100		
	528	0.0700		
	531	0.0584		
	573	0.0300		
	584	0.0980		
	606	0.1584		
	605	0.0450		
	604	0.0160		
	566/2	0.0702		
	योग	0.5460		
सुरजपुरा	248	0.0100		
	247	0.0208		
	312	0.0040		
	316	0.0100		
	योग	0.0448		

[काईस सं. एल-14014/9/07-जी.पी.]

के. के. शर्मा, अवार सचिव

New Delhi, the 16th April, 2008

S.O. 862.—Whereas by notification of Government of India in Ministry of Petroleum and Natural Gas number S.O. 2785 dated 19th September, 2007 issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), Government of India declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transport of natural gas through Ibrahimpur-Dholpur pipeline project in the State of Rajasthan by GAIL (India) Limited;

And whereas copies of the said Gazette notification were made available to the public from 28-01-2008 to 30-01-2008;

And whereas the Competent Authority has, under sub-section (1) of Section 6 of the said Act, submitted its report to Government of India;

And whereas no objections were received from the public to the laying of the pipeline;

And whereas Government of India has, after considering the said report, decided to acquire the Right of User in the lands specified in the Schedule;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, Government of India hereby declares that the Right of User in the land specified in the Schedule is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, Government of India hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in Government of India, vest, on this date of the publication of the declaration, in the GAIL (India) Limited, free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Survey No./	Land to be
			Block No.	acquired for
				R.O.U. in
				Hectares
1	2	3	4	5
Dholpur	Badi	Bateshwarkala	153	0.0380
			152	0.0440
			100	0.0300
			101	0.0440
			151	0.0060
			194	0.0300
			195	0.0380
			112	0.0270
			107	0.0330
			106	0.0250
			105	0.0330
			183/296	0.3190
			183/297	0.0250
			183/366	0.1080
			Total	0.7380

1	2	3	4	5	1	2	3	4	5
		Kuhawni	92	0.0075			Kuri ka Pura	1628/4020	0.0648
			90	0.0075				Total	0.0648
			88	0.0400			Afjalpur	2301	0.0418
			501	0.0050				2296	0.0100
			Total	0.0600				2295	0.0200
		Gadi Khurana	583	0.0150				2245	0.0486
			598	0.0300				2240	0.0020
			599	0.0150				2237	0.0100
			603	0.1050				2238	0.0204
			602	0.0100				2230	0.0400
			1048	0.0132				2213	0.0200
			597	0.0108				2206	0.0082
			Total	0.1990				Total	0.2210
		Ranpur	170	0.1892			Dhwazpura	2215	0.1890
			178	0.0540				2216	0.0810
			Total	0.2432				Total	0.2700
		Aligarh	596	0.0350			Marholi	14	0.0140
			883	0.0600				17	0.0080
			884	0.0100				21	0.0478
			890	0.0900				22	0.0532
			891	0.0200				23	0.0060
			880	0.0300				28	0.0770
			378	0.0398				40	0.0760
			876	0.0370				Total	0.2820
			874	0.0398				400	0.0130
			Total	0.3616				399	0.0146
		Zarari Ghesua	1040	0.0100				Total	0.0276
			1032	0.1210			Dholpur	301	0.3348
			1031	0.0100				Total	0.3348
			Total	0.1410			Srani	1345	0.1188
		Lakhepura	70	0.0500				Total	0.1188
			67	0.0278			Bhilganwa	405	0.0100
			65	0.0676				Total	0.0100
			Total	0.1454			Basai Samantha	528	0.0700
		Pura Ulawati	467	0.0162				531	0.0584
			Total	0.0162				573	0.0300
		Bakhtpura	44	0.0248				584	0.0980
			49	0.0230				606	0.1584
			53	0.0450				605	0.0450
			144	0.0100				604	0.0160
			145	0.0125				566/2	0.0702
			146	0.0225				Total	0.5460
			Total	0.1378			Surajpura	248	0.0100
								247	0.0208
								312	0.0040
								316	0.0100
								Total	0.0448

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 19 मार्च, 2008

का. आ. 863.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार ने श्री.सी.सी.एल. के प्रबंधालय के संबद्ध विवेजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण, (सं. II) धनबाद के पंचाट (संदर्भ संख्या 58/96) को प्रकाशित करते हैं, जो केन्द्रीय सरकार को 19-03-2008 को प्राप्त हुआ था।

[सं. एल-20012/123/95-आई आर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 19th March, 2008

S.O. 863.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 58/96) of the Central Government Industrial Tribunal-cum-Labour Court (No. 2), Dhanbad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 19-3-2008.

[No. L-20012/123/95-IR (C-1)]
SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD

PRESENT :

Shri Nagendra Kumar., Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I. D. Act, 1947

Reference No. 58 of 1996

Parties : Employers in relation to the
management of Block-II Area of
M/s. BCCL and their workman.

Appearances :

On behalf of the
workman : Mr. B.N. Singh,
Representative of the
workman

On behalf of the
employers : Mr. H. Nath, Advocate

State : Jharkhand

Industry : Coal

Dated : Dhanbad, the 10th March, 2008

AWARD

The Govt. of India, Ministry of Labour & Employment in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/123/95 dated, the 4th April, 1996.

SCHEDULE

“Whether the management of Block-II Area of M/s. BCCL is justified in denying employment to the dependent of Shri Hussaini, ex-Beldar? If not, to what relief is the concerned workman entitled?”

2. The case of the concerned workman Hussaini Beldar as disclosed in the Written Statement is that he worked for long in Block-II Area. Due to long working the concerned workman suffered from several diseases as a result of which he became unfit to continue in the employment. The management got the concerned workman medically examined that whether he was medically unfit or otherwise to continue in employment. After medical examination the concerned workman was found medically unfit for continuance in employment and this fact was communicated to the concerned workman vide office order bearing No. CGM/B-II/PD/320/91 dated 15-2-91/19-2-91 and his services were terminated with immediate effect. After termination of service the concerned workman submitted all required documents to the management within time for employment of his dependent in accordance with the provision of clause 9.4.3 of NCWA. In spite of submission of all required, valid and genuine document the management avoided to give employment to the dependent of the concerned workman. In para-7 the concerned workman has stated about the record notes of discussion and minute of the meeting of the Central Consultative Committee of the BCCL held on 22-11-92 regarding providing employment to the dependent of medically unfit cases. In this circumstances the dependent of the concerned workman is legally entitled for employment with other relief/relieves. Prayer has been made to pass Award directing the management to provide employment to the dependent of the ex-concerned workman.

3. On the other hand the management has filed W.S.-cum-rejoinder stating therein that this reference is not legally maintainable. The concerned workman Hussaini Beldar declared his age as 42 years on 17-10-71 and the same has been recorded in the Form B Register of the Company maintained under Section 48 of the Mines Act. According to the certified Standing Order applicable to the establishment he was to be

superannuated after completion of 60 years of age on 17-10-89. The concerned workman managed to get 71 altered as 73 in the year 1987 at the time of issuance of service excerpts. In his service excerpt clerical mistake was made and the dealing clerk put figure "42" years as on 17-10-73 instead of 17-10-71. The concerned workman was sent to the Medical Board for examination of his physical fitness in the year 1991. The Medical Board declared him unfit for his employment. His services were terminated w.e.f. 12-2-91 as he was found medically unfit to perform the original job. As the figure was altered he would have retired in normal course on 17-10-91 whereas his services were terminated 8 months prior to the alleged date of his retirement. The management did not take any action against the concerned workman for manipulation made at the time of issuance of service excerpts to him and all the dues including the gratuity was paid considering his termination w.e.f. 12-2-91 on medical ground. It has also been stated that the clause of NCWA for providing employment to the dependent could only be constituted on the ground of compassionate ground and not as a matter of right. The demand of the sponsoring union for employment to the dependent of the concerned workman is illegal, unconstitutional, void and unjustified and no relief can be granted for employment to the dependent of Hussaini Beldar.

4. In the rejoinder portion the contents about paras 2, 3, 4 and 5 of the W.S. of the concerned workman are stated to be not fully correct. The concerned workman served even after crossing the actual age of superannuation with the assistance of dealing clerk by getting the facts entered in his service excerpt altered 71 as 73. As he had already crossed 60 years his continuance in employment was not justified. The correct fact of manipulation was only detected after his termination of his service when he applied for employment of his dependent. About paras 6 and 7 it has further been said that the same are not fully correct. About paras 5 and 8 of the W.S. of the concerned workman it has been stated that the same are the matters of record. The contents of rest of the paras of W.S. of the workman are incorrect and denied. Prayer has been made to pass Award that the concerned workman is not entitled to get any relief.

5. A rejoinder has also been filed by the concerned workman stating that the contents of paras 3 and 4 are denied as the same are devoid of truth in the case of the concerned workman. The statement made in paras 6, 8, 9 have been denied. The contents of para 11 to the extent that the concerned workman worked after crossing the actual age of superannuation with the assistance of dealing clerk by putting facts entered in his service excerpt from 71 to 73 are denied being concocted, mischievous and devoid of reasons. About paras 12, 13 it is said that the same are irrelevant. Giving further explanation in

the rejoinder and clarifying the stand of the concerned workman it has been stated that his dependent son is entitled for employment.

6. POINTS TO BE DECIDED :

"Whether the management of Block-II Area of M/s. BCCL is justified in denying employment to the dependent of Shri Hussaini, ex-Beldar? If not, to what relief is the concerned workman entitled?"

7. FINDING WITH REASONS :

It may be mentioned that vide order dated 1-6-2004 Sarjan Beldar son of ex-workman Hussaini Beldar was substituted.

In support of his claim the dependent of the concerned workman has examined himself as WW-1 on his behalf. The document regarding declaration of medical unfitness is Ext. W-1. A copy of Service excerpt of Hussaini Beldar is marked as Ext. W-2. The management in order to substantiate its claim has examined MW-1 K.N. Jha and MW-2 S.P. Dubey. On behalf of the management a letter by which industrial dispute was raised is marked as Ext. M-1. The letter of Personnel Manager is marked as Ext. M-2. The Form B Register has been marked as material Ext. 1. The entry regarding Hussaini Beldar at page 282 is marked as Ext. M-3 and entry regarding date of appointment is marked as Ext. M-3/1. The photo copy of the L.P.C. is marked as Ext. M-4 (with objection).

8. WW-1 has stated that his father Hussaini Beldar was a Tyndal and posted at Regional Store Area II. In the year 1991 management declared his father as medically unfit and stopped him from service. His father was in service since 1973. After stopping the service of his father being advised by the management he applied for employment on compassionate ground as the eldest and dependent son of his father. He submitted application along with requisite papers. Along with his father the management stopped service of another workman viz. Agress Kamath on medical ground and provided employment to his son on compassionate ground. In support of the claim the concerned workman has filed office order marked as Ext. W-1 to show that Hussaini Beldar and Agress Kamath were terminated from the service as they were declared medically unfit. Ext. W-2 has been filed to show that the age of Hussaini Beldar was 42 years as on 17-10-73 and he was appointed on 6-7-64. During cross-examination the witness has said that he cannot say what date of birth of his father was recorded in the Form B Register. He has denied that his claim is not justified and he is not entitled for the reliefs.

9. Lt. Lawyer for the concerned workman has vehemently argued that as per provision of clause 9.4.3 of NCWA a person who is declared medically unfit and terminated from the service his dependent is provided

employment in his place. The concerned ex-workman was in service during which he was declared medically unfit and he was terminated from the job. When his dependent applied for employment furnishing all the requisite papers he was not provided employment whereas in the similar circumstances another workman viz. Agres Kamath was declared medically unfit and he was terminated from the job and his dependent has been provided employment. He has further submitted that the stand of the management that the concerned workman has served after crossing the date of age of superannuation is wrong which is evident from Ext. W-2 where it has been mentioned 42 years as on 17-10-73 and in the light of the calculation of date of superannuation considering the date of birth as 17-10-73 the concerned workman was very well in service on the date when he was terminated.

10. On the other hand Ld. Lawyer for the management has vehemently argued that the concerned ex-workman Hussaini Beldar had served more than the actual date of superannuation due to the mistake recorded in the service excerpt. The age "42" years has been recorded as on 17-10-71 in the Statutory Form B Register of Benedih Colliery. This fact was noticed when the dependent of the concerned workman had applied for employment on the ground that his father has been terminated from service on the ground of medical unfitness. In fact due to this reason he ought to have retired in the year 1989 but he served the company for more than actual superannuation age due to clerical mistake in some documents like service excerpts. In this circumstances the concerned workman is not entitled for any relief. It has also been submitted that the concerned ex-workman did not disclose the actual date of birth as recorded in Form B Register while he was being examined by the Apex Medical Board.

11. MW-1 has stated that he is Personnel Manager posted in Block II Area. He knows the concerned workman who was a Tyndal at Block II Area. The concerned ex-workman joined Block II Area on transfer from Benedih Colliery. They received the L. P. C. of the concerned ex-workman from Benedih Colliery management in which his age was recorded as 42 years on 17-10-71. The Form B Register of Benedih Colliery also disclosed the same age of the concerned workman. However, in the service excerpt of the concerned workman his age was recorded as 42 years as on 17-10-73 due to clerical mistake. The concerned workman made prayer for declaration regarding medical unfitness and he was sent to the Apex Medical Board and he was declared medically unfit by the Medical Board dt. 12-2-91 and accordingly he was terminated from service w.e.f. 12-2-91. As per date of birth recorded in the Form B Register the due date of superannuation would be 17-10-89 but due to mistake of the management the

concerned workman worked extra for about 2 years. From his further evidence it appears that due to his reason the prayer for appointment of the dependent was not considered. During cross-examination he has said that he does not know if Benedih Colliery handed over copy of L. P. C. to the concerned workman. On receipt of service excerpt the concerned workman raised objection about his wrong recording of date of birth and requested the management to send him to Apex Medical Board for assessment of his age but the prayer was not considered. When the concerned workman submitted application for medical examination declaring him unfit the management consulted Form B Register which was lying at Benedih Colliery and at that time they came to know that in the service excerpt wrong age was recorded due to clerical mistake.

12. From the evidence of the aforesaid witness it appears that the concerned ex-workman viz. Hussaini Beldar continued his service extra for about 2 years than the actual date of superannuation due to the mistake in service excerpt. However, this fact was noticed when Hussaini Beldar was sent for medical examination for which he had made prayer. In this context the witness has also referred the age of Hussaini Beldar "42" years as on 17-10-71 as mentioned in the Form B Register as well as in the L. P. C. From perusal of L. P. C. which is dated 23-7-85 it appears that the age of Hussaini Beldar has been mentioned as 42 years as on 17-10-71. From perusal of Ext. M-2 it appears that a reply has been submitted to the ALC (C) Dhanbad during the conciliation proceeding that the age of the concerned person was recorded as 42 years on 17-10-71 in the Form B Register and as per record normal date of retirement was 17-10-89 but due to mistake it was recorded as 42 years as on 17-10-73. Hence the concerned ex-workman who was to be superannuated on 17-10-89 continued in employment beyond 60 years. The wrong date of birth was filled up at the time of medical examination which could not be detected and hence the person concerned was examined by the Medical Board. When this fact was noticed by the management the matter was examined and the employment of the dependent of Hussaini Beldar could not be given. In the aforesaid context, from perusal of evidence of MW-2 it appears that a Form B Register is maintained from the date of nationalisation of the colliery and the age as 42 years was recorded as on 17-10-71 of the concerned ex-workman.

This has been recorded at page 282 of the material exhibit-1. He has also said about the entries of the date of birth of Hussaini Beldar which is Ext. M-3/1. The witness has also said about the receipt of L.P.C. when the concerned person Hussaini Beldar was transferred to the colliery of Block II. This is Ext. M-4. During cross-examination the witness has said that the Form B Register

belongs to Benodih colliery. The register is from 1971. In cross-examination the witness has said regarding the date of medical unfitness of Hussaini Beldar and agrees Kamath whose dependent has been employed.

13. While going through the material exhibit-1 M-3 and M-3/1 it appears that the age of Hussaini Beldar has been mentioned as 42 years as on 17-10-71. This entry has been made in the statutory Form B Register. On behalf of the concerned ex-workman this statutory Form B Register has not been disputed. From Ex. M-2 details of which have already been mentioned, it further appears that the date of birth of the concerned workman has been recorded as 42 years. "42" years as on 17-10-71 recorded in the statutory Form B Register could not be noticed earlier. Even Ex. M-4 is on the record. Though objection has been raised no specific reason has been told as to why this should not be considered. This is a copy of L.P.C. which has been issued on 22-7-85 when the concerned ex-workman was transferred. In this document also his age has been mentioned as 42 years as on 17-10-71.

14. In fact as per submission made on behalf of the concerned workman much reliance has been placed that his age is 42 years as on 17-10-73 as mentioned in service excerpt. The evidence and materials furnished by the management shows that it has been mentioned due to clerical mistake i.e. 17-10-73 has been mentioned instead of 17-10-71. The service excerpt is marked as Ext. W-2. From perusal of the same it appears that on the back portion of this document Hussaini Beldar, the concerned ex-workman has mentioned that his age has wrongly been recorded in all the documents. From perusal of the same it appears that 42 years on 17-10-73 has been mentioned relating to Hussaini Beldar. As mentioned earlier the management has explained that this was due to the clerical mistake. It will be relevant to mention that service excerpt is issued on the basis of the entries made in the statutory Form B Register as well as other records. On consideration of the facts that the Statutory Form B Register shows the age of Hussaini Beldar as 42 years as on 17-10-71 the concerned ex-workman ought to have retired on 17-10-89 but it appears that he continued in service more than the actual date of superannuation due to wrong entries in service excerpt. Thereafter he was declared medically unfit and thereafter he was terminated from the job. In fact no much dispute has been raised on behalf of the management regarding provision of employment to the dependent who is declared medically unfit. Even from the evidence of MW-2 it appears that in such circumstances the dependent of another person viz. Agres Kamath was provided employment by the management.

15. However, in the peculiar facts and circumstances of the case when the concerned ex-workman Hussaini Beldar continued in service

more than the actual date of superannuation and then he was declared medically unfit, it does not appear in accordance with law to pass an Award as prayed for by the concerned workman. In the result, the following Award is rendered :—

"The management of Block-II Area of M/s. BCCL is justified in denying employment to the dependent of Shri Hussaini, ex-Beldar. Consequently, the dependent of Hussaini Beldar is not entitled to get any relief."

NAGENDRA KUMAR, Presiding Officer

नई दिल्ली, 19 मार्च, 2008

का. आ. 864.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार में, यी.सी.सी.एल. के प्रबंधतांत्र के संबद्ध विवेजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण (सं. II), धनबाद के पंचाट (संदर्भ संख्या 129/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-03-2008 को प्राप्त हुआ था।

[सं. एल-20012/180/98-आई आर (सो-1)]
स्नेह लता जावास, डेस्क अधिकारी

New Delhi, the 19th March 2008

S.O. 864.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 129/1999) of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workman, which was received by the Central Government on 19-3-2008

[No. L-20012/180/98-IR (C-1)]
SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD PRESENT :

Shri Nagendra Kumar, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I. D. Act, 1947

Reference No. 129 of 1999

Parties : Employers in relation to the management of M/s. BCCL and their workman

Appearances :

On behalf of the workman : Mr. J. Pandey,
Advocate

On behalf of the employers : Mr. D.K. Verma, Advocate

State : Jharkhand Industry : Coal

Dated : Dhanbad, the 4th March, 2008.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/180/98 IR(C-I), dated the 27th January, 1999.

SCHEDULE

“Whether the action of the management of Sendra Bansjora Colliery of M/s. BCCL in not providing employment to the widow, Smt. Nageshwari Devi, W/o Late Nagendra Singh, Peon who was murdered while in service in the Colliery premises is justified? If not, to what relief is Smt. Nageshwari Devi w/o Late Nagendra Singh entitled?”

2. The case of the concerned workman in short is that Late Nagendra Singh was working as Peon in Sendra Bansjora Colliery as a permanent workman. Due to unavoidable circumstances he could not attend his duties for sometimes and the management failed to take any legal action in accordance with the provision of the Standing Order. He was on the roll of the company till the date of his death as a permanent employee. As such he is fully entitled all the benefits and his dependant is also entitled for all the benefits after the death of Nagendra Singh in accordance with the service condition and law. Late Nagendra Singh, Peon, Sendra Bansjora Colliery was murdered during the service in the colliery premises on 11-3-1983. The post-mortem of his dead body was done by the authority of the management. At the time of murder of the concerned workman his children were minor and his widow was not in a position to work due to the death of her husband. She has authorised son-in-law for employment in place of his husband and requested the same to the management. The management did not consider the same and in the year 1991 the management communicated this decision to the widow of the deceased employee. The widow of the deceased employee applied to the management for employment for herself which was rejected by the management in July, 1992. Thus the allegation of the management that the widow applied to the management for employment after nine years of the death of her husband is not correct in the aforesaid circumstances. The stand of the management in not providing employment to the widow is not at all justified. The dispute was raised before the conciliation authorities in accordance with the provision of the I.D. Act, 1947 which ultimately resulted reference to this Tribunal for adjudication. Prayer has been made to pass Award.

directing the management to provide employment to Smt. Nageshwari Devi wife of deceased Nagendra Singh.

3. The management in the W.S.-cum-rejoinder has stated that Late Nagendra Singh, Ex-Peon of Sendra Bansjora Colliery started absconding from 1-2-1979 and started absenting from duty w.e.f. 2-2-1979 without any information and permission from the Competent Authority. His name was removed from the roll of the company. Thereafter in the year 1991 the alleged wife of Late Nagendra Singh applied for employment on compassionate ground that her husband died on 11-3-83 as he was murdered. Such application for employment has been made after 8 years without assigning any reason for such delay. At the time of death of Late Nagendra Singh he was not in the roll of the company. As per NCWA Smt. Nageshwari Devi is not entitled for employment. It has been mentioned that in view of the judgement of the Hon'ble Supreme Court appointment on compassionate ground cannot be made after long lapse of reasonable period. As Late Nagendra Singh was absenting from 2-2-1979 and died on 11-3-1983, it cannot be said that he died in harness.

4. In the rejoinder portion it has been stated that the statement made in paras-2, 3, 4, 7, 8 and 9 are not correct. Statement made in 5 and 6 are the matters of record. It has been prayed that Smt. Nageshwari Devi is not entitled for any relief.

5. On behalf of the concerned workman rejoinder has also been filed in which it has further been submitted that Late Nagendra Singh was permanent employee of Sendra Bansjora Colliery working as Peon since 14-11-73. It has also been stated that it is not a fact that he absented from his duty w.e.f. 1-2-79 till his death on 11-3-83 and he was all along on the roll of the company. He was not issued with any chargesheet for absenting from his duty nor any disciplinary proceeding was initiated till his death i.e. 11-3-83. The management never removed his name from the roll of the company and he was in service of the company till his death. There has been some delay but it is not due to the fault of the applicant but due to the callous attitude of the management. With regard to para-8 of W.S. of the management it has been said that Late Nagendra Singh was very much on the roll of the company at the time of his death. About the statement made in paras 15, 16 and 17 and 18 it has been denied and further stated that the stand of the concerned workman is correct. Prayer has been made to pass Award for providing employment to the widow of late Nagendra Singh.

6. POINTS TO BE DECIDED

“Whether the action of the management of Sendra Bansjora Colliery of M/s. BCCL in not providing employment to the widow Smt. Nageshwari Devi,

w/o Late Nagendra Singh, Peon who was murdered while in service in the Colliery premises is justified? If not, to what relief is Smt. Nageshwari Devi w/o Late Nagendra Singh entitled?"

7. FINDING WITH REASONS

To substantiate the claim the concerned workman has produced WW-1 Nageshwari Devi w/o Late Nagendra Singh and got exhibited Exs. W-1 and W-2. On behalf of the management Mr. B.B. Srivastava, Senior Legal Inspector has been examined as MW-1. Two documents have been marked as Ext. M-1 and Ext. M-1/1.

8. Ld. Lawyer for the concerned workman has vehemently submitted that the concerned person viz. Late Nagendra Singh was an employee of BCCL and he was murdered in the year 1983. His wife had left Dhanbad out of fear. She is very poor lady having minor children and she is unable to maintain her family. She is an illiterate lady who can only put signature anyhow. She was not aware of the provision of employment of dependent. She was advised by the well wishers and then she approached the management for employment of the dependent but her prayer has been rejected merely on the ground of delayed case whereas there is no provision of limitation to file such application for employment on compassionate ground. Hence Award may be passed in favour of the wife of the deceased employee.

9. On the other hand Ld. Lawyer for the management has vehemently submitted that the concerned workman started to remain absent from 2-2-79. He did not attend his work till 1983 when he was murdered. Thereafter in the year 1991 an application for employment on compassionate ground was filed. Since he was not the employee, in the above circumstances an application was filed with much delay and then the prayer for appointment was rejected and there is no justification to allow wife of the deceased Nagendra Singh for giving employment on the compassionate ground.

10. Ld. Lawyer for the concerned workman has pointed out that as per provision contained in certified standing order if a person remains absent a domestic enquiry is held and the disciplinary authority passes order which may include the punishment of dismissal from service. But in the instant case there is no fact on the record to show that the concerned workman was dismissed from the job. Thus he was very well in the service. His name stood on the roll of company. In this context he was referred Ext. W-2 in which it has been mentioned that the name of the concerned workman was struck off from 11-3-83 i.e. the date on which the concerned workman was murdered. As per NCWA-III there is provision relating to the employment of dependents. Since the concerned workman died in the service in the above circumstances his dependent is entitled for employment on compassionate ground.

11. To appreciate the argument of both the parties it is necessary to examine the evidence and materials on record. WW-1 has stated that her husband Nagendra Singh was posted as Peon at Sendra Bansjora Colliery who was murdered on 11-3-83. He died leaving behind her three daughters and one son. Her husband had got appointment under the management on 14-11-1973. After the death of her husband she submitted representation to the management for her employment on compassionate ground as children were minor at that time. Thereafter her prayer was not considered by the management and then she raised an industrial dispute. During cross-examination she has stated that her husband remained absent continuously from duty w.e.f. 2-2-79. She does not know that the name of her husband was struck off from the roll of the company. She has claimed employment on compassionate ground. But management refused to provide her employment by issuing a letter in the year 1991.

12. So far the management witness is concerned he has also stated that the concerned workman stated remaining absent from duty w.e.f. 2-2-79 and then an information was received that the concerned workman was murdered in the year 1983. None of his relation submitted any application to the management for appointment on compassionate ground after his murder. Then Nageshwari Devi filed an application for employment on compassionate ground which was not considered in view of the facts that the concerned workman was not on the roll of the company. During cross-examination he has stated that Nagendra Singh was posted at Sendra Bansjora Colliery. He was employed in the year 1971. No chargesheet was issued against Nagendra Singh under the provision of the Certified Standing Order. His name was struck off from the roll of the company for his unauthorised absence. Thereafter on recall he has provided two documents marked as Exts. M-1 and M-1/1 which are orders and communication of orders of the management regarding rejection of the application of Nageshwari Devi.

13. Though the question has been raised that the concerned workman Late Nagendra Singh was absent from 2-2-79 till his death nothing has been brought on record by the management to show that any enquiry was held in accordance with the provision of Certified Standing Order. There is nothing on record to show that the services of Late Nagendra Singh were terminated on the ground of his being absent. In fact, the provision for starting disciplinary proceeding on account of absence of an employee under the Certified Standing Order has not been disputed. No document has been produced to show that the name of Late Nagendra Singh was struck off before 11-3-83 which is the date on which Nagendra Singh is said to have been murdered which is also evident from Ext. W-1. Ext. W-2 shows that the name of

Late Nagendra Singh was struck off w.e.f. 11-3-83 from the roll of the colliery. Since there is no any other order of dismissal of the concerned workman it cannot be said that he was not in the service of the company when he is said to have been murdered i.e. on 11-3-83.

14. From submission made on behalf of the management it appears that the prayer for appointment on compassionate ground was rejected as the dependant of the concerned workman had applied with delay. In fact, provision for appointment on compassionate ground has not been disputed by the management. In this context it will be relevant to quote provision relating to the employment of the dependents which are contained in clause 9.4.1 and 9.4.2. The same reads as follows :

"Provision of Employment to Dependents"

Clause 9.4.1 : Employment would be provided to one dependent of workers disabled permanently and those who meet with death while in service. This provision will be implemented as follows :—

Clause 9.4.2 : Employment of one Dependant of the Worker who dies while in service.

- (i) The dependant for his purpose means the wife/ husband as the case may be, unmarried daughter, son and legally adopted son. If no such direct dependant is available for employment, younger brother, widowed daughter/widowed daughter-in-law residing with the deceased and almost wholly dependant on the earnings of the deceased may be considered to be the dependant of the deceased.
- (ii) The dependant to be considered for employment should be physically fit and suitable for employment and aged not more than 35 years provided that the age limit shall not apply in the case of spouse."

From a bare perusal of the aforesaid provision it does not appear that any time has been fixed for submission of application for appointment on compassionate ground.

15. In this context further provision of employment to dependants who dies in harness has also been referred which reads as follows :—

"Clause 10.4.1 of NCWA-II"

Employment would be provided to one dependant of workers disabled permanently and those who meet with death while in service. This provision will be implemented as follows :—

Clause 10.4.2 : Employment of one Dependant of NCWA-II Worker who dies while in service.

- (i) The dependant for his purpose means the wife/ husband as the case may be, unmarried

daughter, son and legally adopted son. If no such direct dependant is available for employment, younger brother, widowed daughter/widowed daughter-in-law or son-in-law residing with the deceased and almost wholly dependant on the earnings of the deceased may be considered to be the dependant of the deceased.

- (ii) The dependant to be considered for employment should be physically fit and suitable for employment and aged not more than 35 years provided that the age limit shall not apply in the case of spouse."

From perusal of the aforesaid provision it does not appear that there is any limitation in regard to the submission of application for appointment on compassionate ground. All it appears that in case of spouse there is no limitation of age.

15. From perusal of Ext. M-1/1 it appears that the prayer of Nageshwari Devi was rejected only on the ground of delayed case of employment. The relevant portion of M-1/1 reads as follows :—

BHARAT COKING COAL LIMITED

SIJUA AREA

Dated : 22/26-6-92

GM : SA : PD : 1235/4434 : 92

To

The Dy. C.M.E.,
Sendra Bansjora Colliery.

Sub :— Case of Smt. Nageshwari Devi w/o Late Nagender Singh.

Sir,

Please refer to your letter No. SB/PD/92/32/3310 dated 2-1-92. Enclosing herewith the application for employment of Smt. Nageshwari Devi, widow of Late Nagender Singh, Ex-Peon of your Colliery.

We regret that since it is a delayed case of employment the same cannot be considered for employment. The original application is returned herewith with request that Smt. Nageshwari Devi may be informed accordingly from your end.

Yours faithfully,

Sd/-Illegible
25-2-92
Dy. C.P.M.

Thus this rejection letter also shows that the prayer of Nageshwari Devi has been rejected only on the ground that she had applied with delay.

16. On being asked repeatedly the Ld. Lawyer for the management has not stated whether there is any

limitation or there is time fixed for submission of application for appointment on compassionate ground. No rule, circular or letter has been shown that any time was fixed for submission of application for the said period. Therefore, it appears that at the relevant time there was no limitation or time fixed for submission of application for appointment on compassionate ground.

17. Ld. Lawyer for the management has filed two decisions reported in 2005 SCC (L & S) 927 and 2007 (II) JLJR page 659. However, it appears that the facts and circumstances are different as it appears that in the aforesaid cases there were provision regarding time of submission of application for appointment on compassionate ground whereas in the instant case no provision has been shown regarding time limit for submission of application.

18. From submission made on behalf of the concerned workman as well as from the materials on record it appears that the wife of Late Nagender Singh has left this place of Dhanbad as her husband was murdered. From evidence of wife of Late Nagender Singh it appears that her husband was a Peon. She was having minor children. It further appears that she is not well educated. It has also been submitted that she was not aware of the provision of NCWA for appointment on compassionate ground. When the well wishers advised her that there is provision of employment on compassionate ground then she approached the management for her employment.

19. As discussed earlier the application of Nageshwari Devi has been rejected on the ground of delayed case but there is no provision of time limitation regarding submission of application at the relevant time. It appears in the aforesaid facts and circumstances of the case the wife of the concerned workman is entitled for the relief as prayed for.

20. For the reasons stated above the following Award is rendered :—

"The action of the management of Sandra Bansjora Colliery of M/s. BCCL in not providing employment to the widow, Smt. Nageshwari Devi, w/o Late Nagendra Singh, Peon who was murdered while in service in the colliery premises is not justified. Consequently, Nageshwari Devi w/o of Late Nagendra Singh, is entitled for employment under the management."

21. The management is directed to implement the Award within three months from the date of its publication in the Gazette of India in the light of the above observation.

NAGENDRA KUMAR, Presiding Officer

नई दिल्ली, 19 मार्च, 2008

का. आ. 865.—ऑपरेशिंग विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार में जेट एयरवेज के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑपरेशिंग विवाद में केन्द्रीय सरकार ऑपरेशिंग अधिकरण/क्रम व्यावालय (सं.-II), मुंबई के पंचाट (संदर्भ संख्या सीजीआईटी-2/28/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-3-2008 को प्राप्त हुआ था।

[सं. एल-11012/16/2004-आई आर (सी-1)]

स्वेह लता जवास, डेस्क अधिकारी

New Delhi, the 19th March, 2008

S.O. 865.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-2/28/2004) of the Central Government Industrial Tribunal/Labour Court (No-2), Mumbai now as shown in the annexure, in the Industrial Dispute between the employers in relation to the management of M/s Jet Airways and their workman, which was received by the Central Government on 19-3-2008.

[No. L-11012/16/2004-IR (C-1)]
SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT :

A.A. Lad, Presiding Officer

Reference No. CGIT-2/28 of 2004

EMPLOYERS IN RELATION TO THE MANAGEMENT OF JET AIRWAYS

M/s. Jet Airways (India) Pvt. Ltd.

S.M. Centre,

Andheri Kurla Road,

Andheri (E),

Mumbai 400 059

AND

THEIR WORKMEN :

Mr. Anil M. Chaugule,
Senior Security Assistant,
Dagdi Building,
Chaugule House, Flat No. 13,
Dharavi Cross Road,
Mumbai 400 017

APPEARANCES :

For the Employer : M/s. Abhay Kulkarni and
Associates, Advocates

For the Workman : Mr. G.J. Fernandes, Advocate

Mumbai, dated 4th February, 2008

AWARD

The Government of India, Ministry of Labour by its Order No. L-11012/16/2004 IR (C-I) dated 28-6-2004 in exercise of the power conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“क्या मैसर्स जेट एअरवेज (इ) प्रा. लि. के प्रबंधालय द्वारा श्री अनिल एम. चौगुले वरिष्ठ सुरक्षा सहायक को दिनांक 19-5-2003 से बर्खास्त किया जाना उचित, विधिवत् एवं न्यायसंगत है ? यदि नहीं तो कर्मकार किस गहत के पात्र है ?”

2. Claim statement is filed by the concerned workman at Ex-6 making out case that, he joined first party as a Security Assistant on 16-11-94. His salary was Rs. 14,319 when he was terminated.

3. First party gave show cause notice dated 28-3-2002 referring number of documents and events. It was replied by the concerned workman. Said explanation was received by the first party on 1-4-2002. However no enquiry was conducted. No charge was proved against concerned workman. Hence letters on two different dates were issued. The decision taken was not taken as per the standing orders applicable to first party. So it is submitted that, action taken by first party be set aside with direction to first party to reinstate him in service with full back wages and continuity of service.

4. It is disputed by first party by filing reply Ex-15 objecting the claim of the second party by taking basic contention that, second party is not a 'workman'. He joined first party as a Trainee Security Assistant. Then he was made permanent. He was promoted to post of Sr. Security Assistant on 1-4-1999 drawing salary of Rs. 11,319. He was responsible for supervision and control of job performed by Trainee Security Assistant as well as Security Assistant. He was also responsible for taking decisions under the advice of his superiors while performing his duties. It is stated that, concerned workman is not a 'workman' under Section 2 (s) of the Industrial Disputes Act. The reimbursement medical bill of concerned workman about medicines taken for wife and father were bogus and fraudulent. Besides bills were beyond date of claim and by making alterations and additions in the said bills, he brought those within the period of claim which was verified by first party's officer by visiting concerned medical stores which revealed that, bills were bogus and false. Even he changed the months of the said bills to bring period of the bill within admissible period of reimbursement. Management enquired with the concerned medical stores and other machineries and they decided to remove concerned workman which is just and proper. In such an investigation, concerned workman is not entitled to participate as it was a preliminary investigation. Since

concerned workman was working with the first party which is dealing with business in airline industry having great responsibility of security of passengers lives and property. When it lost confidence of second party, first party has no other option but to terminate such employee. So it is submitted that, prayer prayed by the concerned workman on all grounds required to be rejected.

5. In view of above pleadings, issues were framed at Ex-18. Out of those, issue no. 1 of 'Workman' is taken as a preliminary issue since first party has emphasized that said issue to be decided at an earlier stage. Agreeing with the contention of first party, issue of 'workman' is taken for decision which is as follows :

Issues	Findings
1. Whether second party is a workman ?	No

REASONS

6. Second party workman claimed that, he joined first party as a Security Assistant in 1994 and was terminated without following due process of law and without holding enquiry. Whereas, case of first party is that, since second party is not a 'workman', question of following procedure does not arise.

7. To prove that second party place reliance on his affidavit filed in lieu of examination-in-chief Ex-19 where he made out case that, duties performed by him were of physical checking of passengers travelling by Jet Airways flight. He has to report to Supervisor of Shift Incharge. He has no power to sanction leave or recommend any body for promotion. According to him, he was not performing supervisory duties or administrative work. He also claims that, he has no power to sanction voucher or implement judgement or job appraisal. He also claims that, he has no power to take disciplinary action or any power to take administrative decision. In the cross, he says that, he was providing information to Security Assistants and Trainee Security Assistant. He admits that, work of checking passengers and physical checkup of passengers is not simple clerical work. He admits that, he has to report regarding entry of each flight and its details and maintaining luggage register of each flight. He also admits that, he has to attend duty of reporting theft, missing passenger articles and baggage. He was also responsible for maintaining record maintained by Traffic Assistant in respect of passengers. He admits that, he was BA in Economics and passed Personal Management Diploma. He was also responsible for detecting weapons carried by passengers. He admits that supervisors are designated on the basis of seniority. Against that, first party has not led any evidence.

8. Second party filed written arguments at Ex-21 and first party at Ex-22.

9. Here, before us we have preliminary point of 'workman'. According to first party, second party is not a 'workman' which is denied by second party.

10. So let us first see definition of workman as given under Section 2 (s) of Industrial Disputes Act, which reads like this :

[“workman” means any person (including an apprentice) employed in any industry to do any manual, unskilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person :

- (i) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957), or
- (ii) who is employed in the police service or as an officer or other employee of a prison, or
- (iii) who, being employed mainly in a managerial or administrative capacity, or
- (iv) who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the power vested in him, functions mainly of a managerial nature.”]

11. As per this, essential condition of person being a workman within terms of this definition is that, he should be employed to do the work. The prime facie test is the existence of the right in the master to supervise and control the work done by the servant not only in the matter directing what servant has to do but also the manner in which he shall do his work. The nature of work will help in deciding whether he is workman or not. To determine the status of such employee, one has to consider the nature of duties of the functions assigned to such person. Employee must be held to be employee to do that work which is the main work he is required to do even though he may be having incidental duties. Person working on technical site covers person doing work of skilled work, manual work and it is not necessary to confine to work by application of hands but comprises of work involved physical exertion as distinct from mental or intellectual exertion. If a person is doing mainly supervisory work but incidentally or for fraction of time also does some clerical work it would have been held that he is employed in supervisory capacity.

12. Besides, learned advocate for first party produced copy of citation published in 1988 (4) SCC page

42. While deciding Civil Appeal No. 1776 (NL) of 1984, Apex court observed :

A ‘workman’ was then defined as any person employed in any industry to do any skilled or unskilled manual or clerical work for hire or reward. Therefore, doing manual or clerical work was necessary before a person could be called a workman. This definition came for consideration before industrial tribunals and it was consistently held that the designation of the employee was not of great moment and what was of importance was the nature of his duties. If the nature of the duties is manual or clerical, then the person must be held to be a workman. On the other hand, if manual or clerical work is only a small part of the duties of the person concerned and incidental to his main work which is not manual or clerical, then such a person would not be a workman. It has, therefore, to be seen in each case from the nature of the duties whether a person employed is a workman or not, under the definition of that word as it existed before the amendment of 1956. The nature of the duties of Mukerjee is not in dispute in this case and the only question therefore is whether looking to the nature of the duties it can be said that Mukerjee was workman within the meaning of Section 2 (s) as it stood assigned to Mukerjee that his main work was that of canvassing and any clerical or manual work that he had to do was incidental to his work of canvassing and could not take more than a small fraction of the time for which he had to work. In the circumstances the Tribunal’s conclusion that Mukerjee was a workman is incorrect. The tribunal seems to have been led away by the fact that Mukerjee had no supervisory duties and had to work under the directions of his superior officers. That, however would not necessarily mean that Mukerjee’s duties were mainly manual or clerical. From what the tribunal itself has found it is clear that Mukerjee’s duties were mainly neither clerical nor manual. Therefore, as Mukerjee was not a workman, his case would not be covered by the Industrial Disputes Act and the tribunal would have no jurisdiction to order his reinstatement. We, therefore, set aside the order of the tribunal directing reinstatement of Mukerjee along with other reliefs.

13. In the above case, Apex Court observed that, when duties were neither mainly clerical nor manual, in that case, such employee cannot be called as ‘workman’. In the present case, workman involved is designated as a “Senior Security Assistant”. His salary was Rs. 14,319 which is beyond the scale of the workman given in the Industrial Disputes Act. Besides in the cross as referred, he admits that, he was checking passengers physically

which is not a simple clerical work. Even he admits that, he was filling the form of flight details and maintaining record of luggage and flights. He was also responsible for recording theft, missing passenger articles and missing baggage and noticing weapons possessed by passengers which are responsible job. He was also responsible for maintaining record of Traffic Assistants working under him sufficient to call him as not workman. Simply because he was not authorised to sanction leave or sign cash vouchers, or power to take any disciplinary action or power to allot duties, or participate in the decision making, does not allow him to be called as 'workmen'. On the contrary, work assigned to him and attended by him was more responsible work than all above duties which he had referred in his examination-in-chief to treat him as workman. In my considered view, checking passengers and detecting weapons while entering into aircraft is more responsible job than sanctioning anybody's leave or signing any vouchers or recommending any body for promotion. The place where the employee is working, one has to consider it and one has to give regard to that. In that case, workman worked as per directions. But here, the employee who is involved in reference was not working under anybody's directions while checking the passengers and objecting them to entering in the flight while carrying weapons. It is he, who is the master at his place who can prevent a passenger in entering in to aircraft if such passenger carries any objectionable article. In that place, he is the master and sole person who has the power to take decision at that place. So definitely the job on which concerned workman was working cannot be compared with workman or definition of workman as given under Industrial Disputes Act. Besides Apex Court gave some guidelines while deciding case of Government of Goa Daman and Diu in the Appeal filed by Miss A. Sundarambal (Supra) where it is observed that, if an employee was neither mainly doing clerical nor manual work cannot be called as a 'workman'.

14. Affidavit of second party refers some citation Ex-22 but did not take pain in submitting copies of those to help me to take benefit of it to treat him as a workman.

15. So if we consider all these coupled with case made out by both, I conclude that, the employee involved in the reference i.e. Anil M. Chaugule is not a 'workman' as defined under provisions of Industrial Disputes Act. So I answer above issues to that effect.

16. Since second party is not a 'workman', he is not entitled for protection under Industrial Disputes Act. So the reference requires to be rejected. Hence the order.

ORDER

Reference is rejected as second party is not a 'workman'.

Date : 4-2-2008

A.A. LAD, Presiding Officer

नई दिल्ली, 20 मार्च, 2008

का. अ. 866.—ओर्डरिंग विवाद अधिनियम, 1947 (1947 का 14) की आरा 17 के अनुसार में, केन्द्रीय सरकार में, सी.एस.एस. के प्रबंधनत्र के संबद्ध नियोजनों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओर्डरिंग विवाद में केन्द्रीय सरकार ओर्डरिंग अधिकार (सं.-1), धनबाद के पंचाट (संदर्भ संख्या 18/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-3-2008 को ग्राह कुआ था।

[सं. ए. 20012/209/98-आई आर (सी-1)]

स्नेह संतो जवास, डेस्क अधिकारी

New Delhi, the 20th March, 2008

S.O. 866.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 18/99) of the Central Government Industrial Tribunal/Labour Court (No.-1) Dhanbad now as shown in the annexure, in the Industrial Dispute between the employers in relation to the management of M/s CCL and their workmen, which was received by the Central Government on 20-3-2008.

[No. L-20012/209/98-IR (C-4)]
SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Section 10(1)(d)(2A)
of the Industrial Disputes Act, 1947

Reference No. 18 of 1999

PARTIES :

Employers in relation to the management of
Govindpur project of M/s C.C.L.

AND

Their workman

PRESENT :

Shri Nagendra Kumar, Presiding Officer

APPEARANCES :

For the Management : Shri D.K. Verma, Advocates;

For the Workman : Shri Shantosh Kumar and Pran
Workman at Sl. No. 51 and 67

State : Jharkhand Industry : Coal

Dated 11th March, 2008

AWARD

By order No. L-20012/209/98-IR (Coal-I) dated
29-1-99 the Central government in the Ministry of Labour
has in exercise of the powers conferred by clause (d) of

sub-section (1) and sub-section (2A) of section 10 of the industrial disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

SCHEDULE

"Whether the action of the management of Govindpur project, CCL P.O.-Bokaro Thermal Dist. Bokaro in not regularizing 92 PR workers (as per list submitted by the union) to time rated category is justified ? If not, to what relief the workmen are entitled to ?"

After having received the Order No. L-20012/209/98-IR (Coal-I) dt. 29-1-1999 the aforesaid reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute a reference case No. 18 of 99 was registered on 8-2-99 and accordingly an order to that effect was passed to issue notice through the registered post to the parties concerned directing them to appear in the Court on the date fixed and file their written statement along with the relevant document and a list of witnesses in support of their claim. In compliance of the said order notices were issued to the parties concerned. Sri Lekhan Lal Mehto, Area Secretary of United coal workers Union Katharni Area, P.O. Bokaro Thermal, Dist. Bokaro appeared in the Tribunal.

From the perusal of the order sheet of the record it transpires that both the parties have filed their written statement and rejoinder in support of their claim. From the side of the workmen few Zerox copies of documents as also been filed on 14-6-2002 and the case was placed for filing of documents by the Management as also to adduce evidence by the management.

On 10-3-2008 Sri Shantosh Kumar the workman at Sl. No. 51 and Sri Pran workman at Sl. No. 67 found present in the Tribunal and filed their attendance along with a petition signed by Sri Lekhan Lal Mehto President of the sponsoring Union and submitted that Sri Mehto has fallen sick today. And as such he is not present personally but pressing his petition both submit that the workman's demand has already been accepted by the management. They further submitted that they did not want to contest this case and want to withdraw this case.

Sri D.K. Verma the learned Lawyer of the management has submitted that the management has no objection in withdrawing the case of the workmen.

In view of such circumstances stated by the both the parties the following order is made.

ORDERED

That let a "No Dispute" Award be and the same is passed. Send the copies of the Award to the Govt. of India, Ministry of Labour and Employment, New Delhi for information and needful. Reference is accordingly disposed of.

NAGENDRA KUMAR, Presiding Officer

नई दिल्ली, 20 मार्च, 2008

का. आ. 867.—आंध्रप्रदीप विधाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार में आई.आई.एस.सी.ओ. के ग्रन्थांतर के समद्वय नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आंध्रप्रदीप विधाद में केन्द्रीय सरकार आंध्रप्रदीप अधिकारण (सं.-II) धनबाद के पंचाट (संदर्भ संख्या 164/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-3-2008 को प्राप्त हुआ था।

[सं. एल-20012/53/97-आई आर (सी-1)]

स्नेह लता जावास, डेस्क अधिकारी

New Delhi, the 20th March, 2008

S.O. 867.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 164/98) of the Central Government Industrial Tribunal/Labour Court (No.-2) Dhanbad now as shown in the annexure, in the Industrial Dispute between the employers in relation to the management of M/s I.I.S.C.O. and their workmen, which was received by the Central Government on 20-3-2008.

[No. L-20012/53/97-IR (C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri Nagendra Kumar, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 164 of 1998

PARTIES :

Employers in relation to the management of IISCO
AND

Their workmen

APPEARANCES :

On behalf of the employers : Mr. D.K. Verma,
Advocates.

On behalf of the Workmen : None

State : Jharkhand Industry : Coal

Dated, Dhanbad the 10th March, 2008

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/53/97-IR (Coal-I), dated, the 20th March, 1998.

SCHEDULE

“Whether the demand of the union for regularisation of the services of S/Shri Dhiraj Das and others (as per enclosures) with the management of Chasnalla Colliery of Tasra Railway siding of M/s. IISCO, is justified ? If so to what relief is the concerned workmen entitled to ?”

2. The case of the concerned workmen Sri Dhiraj Das and other concerned workmen as per list is that they had been working at Tasra Railway Siding of Chasnalla Colliery since last 16-17 years continuously. The concerned workmen had been working in the permanent and continuous nature of job in accordance with the direction and supervision of the management. The concerned workmen had been performing jobs of shale picking, picking of other impurities, coal breaking, wagon levelling, track cleaning etc. These were being done by the concerned workmen under the control and supervision of the management within the precincts and premises of the management. The implements for execution of the jobs are supplied by the management. The concerned workmen are permanent employees of the management for all purposes but they are being paid less wages below the prescribed rate of NCWA in the name of alleged intermediaries. The concerned workmen represented before the management several times for their regularisation and for payment of atleast Cat. I wages but without any effect. Accordingly an industrial dispute was raised which ultimately resulted reference to this Tribunal. The action of the management is illegal, invalid and discriminatory. Prayer has been made to direct the management to regularise the concerned workmen with retrospective effect atleast as Cat. I Mazdoor with all arrears of wages and attendant benefits.

3. The case of the management as disclosed from the W.S.-cum-rejoinder is that no employer-employee relationship exists between the management and the concerned persons. The schedule of reference containing 20 persons and the list of contractors workers of M/s. R.B. Traders shows involvement of 21 persons. Some of them are outsiders and have never worked under any capacity under any contractor at Tasra Railway Siding. M/s. R.B. Traders was awarded contract for transporting coal from the washery to the railway siding on the terms and conditions embodied in the work order issued in their favour. From perusal of the W.S. it appears that for the purpose of transportation the contractor M/s. R.B. Traders have deputed several staff. The contractors select their own workmen, recruited them paid them wages and their jobs were supervised by their men. The management has got no concern with the workmen of the contractor engaged for the jobs for which contract was given. Accordingly the concerned workmen are not entitled to get any relief.

4. In the rejoinder portion statement made in para-1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 made in the W.S. of the concerned workmen have been denied and are said to be incorrect. Prayer has been made on behalf of the management to pass Award holding that the concerned persons are not entitled for any relief.

5. Points to be Decided

“Whether the demand of the union for regularisation of the services of S/Shri Dhiraj Das and others (as per enclosures) with the management of Chasnalla Colliery of Tasra Railway Siding of M/s. IISCO is justified ? If so to what relief are the concerned workmen entitled to ?”

6. Finding with Reasons

Inspite of giving several opportunities the concerned workmen have not produced any witness and any document in support of their claim. The burden of proof rests upon the concerned workmen to prove their case. Thus there is no material on record to hold that the concerned persons are entitled for relief as prayed for. In the result, the following Award is rendered :

“The demand of the union for regularisation of the services of S/Shri Dhiraj Das and others (as per enclosures) with the management of Chasnalla Colliery of Tasra Railway Siding of M/s. IISCO is not justified. Consequently, the concerned workmen are not entitled to get any relief.”

NAGENDRA KUMAR, Presiding Officer.

S/No.	Name	Father's Name
1.	Kishore Kumar Manjhi	Bhogilal Manjhi
2.	Premchand Satnani	Nirmal Ram Satnani
3.	Rajudas Mahant	Agardas Mahant
4.	Khik Bai	Dhiraj Das
5.	Lokhi Manjhi	Late Sitau Manjhi
6.	Set Kuntwar	Bhunia Das
7.	Sukhi Mezhan	Rathulal Baskey
8.	Savitti Bai	Harihar Ram Satnani
9.	Indira Bai	Rajudas Mahant
10.	Ashmati	Dukulu Kewat
11.	Sakuna Bai	Dasaram Kewat
12.	Chotelal Sahin	Alha Ram
13.	Ballal Sahin	Alha Ram
14.	Ram Prasad Satnani	Nirmal Ram Satnani
15.	Harihar Ram Satnani	Late Mehtar Ram Satnani
16.	Alharam	Nathuram
17.	Bhurnia Das	Late Jal Das
18.	Dhiraj Das	Kamal Das
19.	Dasaram Kewat	Late Antu Ram Kewat
20.	Bhisam Satnani	Dhinn Ram Satnani
Total Twenty Workmen		

नई दिल्ली, 24 मार्च, 2008

का. आ. 868.—ऑयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य नियाम के प्रबंधसंच के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑयोगिक विवाद में केन्द्रीय सरकार ऑयोगिक अधिकरण नं.-II, चंडीगढ़ के पंचाट (संदर्भ संख्या 1182/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-3-2008 को प्राप्त हुआ था।

[सं. एल-22012/438/2004-आई आर (सीएम-II)]

अलय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 24th March, 2008

S.O. 868.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (No. Ref. 1185/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh as shown in the Annexure, in the Industrial Dispute between the management of Food Corporation of India and their workmen, which was received by the Central Government on 24-3-2008.

[No. L-22012/438/2004-IR (CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, SECTOR 18-A, CHANDIGARH

Shri Kuldip Singh, Presiding Officer

Case I.D. No. : 1185/2005

Registered on : 3-10-2005

Date of Decision : 14-3-2008

Bahadur Singh

C/o Sh. Amarjit Singh Jattan &
Sanjeev Kumar Bawa,
ARs House No. 2782,
Phase 7, Mohali.

...Petitioner

Versus

The District Manager,
FCI, Sangrur (Punjab).

...Respondent

APPEARANCE

For the Workman : Mr. S. K. Bawa, Advocate

For the Management : Mr. N. K. Zakhmi, Advocate

AWARD

On 20th of Nov., 2007, it was brought to the notice of the Tribunal that the workman has died. Thereupon a notice under registered cover was issued to the workman to confirm the statement and also inform his legal representatives that the cause of the workman is pending

consideration of this Tribunal and if they wish and are entitled under law to prosecute the same, they can approach the Tribunal. But the record of the file shows that the registered cover sent was received back with the report that the addressee is dead. The legal representatives of the deceased workman have not approached so far nor there is any other evidence on record to show that the workman has left behind LRs who are entitled to be substituted for him.

Ministry of Labour, Government of India vide their order No. L-22012/438/2004-IR (CM-II) dated 29-8-2005 referred the dispute in the terms "Whether the action of the Management of Food Corporation of India in terminating the services of Sh. Bahadur Singh, Beldar w.e.f. October, 1992 is legal and justified ? If not to what relief the concerned workman is entitled to and from which date ?" for the adjudication of this Tribunal. The Tribunal issued notices of the reference to the parties who appeared and filed the statements of their respective claims. The Management supported their claim with the affidavit of their Area Manager and with photocopies of a number of documents whereas the workman has failed to file even his affidavit. He has also not produced any other evidence in support of his claim. On record I do not find any evidence to show that the workman was engaged by the Management and they had terminated his services in Oct., 1992 and that their that action was not legal and justified. Whatever claim the workman made, the Management denied the same in their written statement and supported the same with the affidavit of their witness and photocopies of the documents. In the circumstances the reference is answered against the workman holding that he is not entitled to any relief.

Let a copy of this award be sent to the appropriate government for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 24 मार्च, 2008

का. आ. 869.—ऑयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधसंच के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑयोगिक विवाद में केन्द्रीय सरकार ऑयोगिक अधिकरण/क्षम न्यायालय नं.-II, चंडीगढ़ के पंचाट (संदर्भ संख्या 739/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-3-2008 को प्राप्त हुआ था।

[सं. एल-40012/395/1999-आई आर (डी यू)]

सुरेंद्र सिंह, डेस्क अधिकारी

New Delhi, the 24th March, 2008

S.O. 869.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award

(Ref. No. 739/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. II Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workmen, which was received by the Central Government on 24-3-2008.

[No. L-40012/395/1999-IR (DU))
SURENDRA SINGH, Desk Officer
ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
SECTOR 18-A, CHANDIGARH**

Shri Kuldip Singh, Presiding Officer

Case L.D. No. : 739/2005

Registered on : 2-9-2005.

Date of Decision : 14-3-2008

Paramjit Singh
S/o Jagir Singh
C/o Shri N. K. Jeet,
President,
Telecom Labour Union,
Hatinagar, Bhatinda.

Petitioner

Versus

General Manager,
Telecom, Bhatinda.

Respondent

APPEARANCE

For the Workman : Mr. N. K. Jeet, AR

For the Management : Mr. G. C. Babbar, Advocate

AWARD

The workman continues to be absent. He last attended the Tribunal along with his representative on 10th April, 2007. His part statement was recorded on that date but thereafter he stopped appearing in person. On the request of his representative further opportunity was given to the workman to produce his evidence. But this is the third date thereafter that he has not appeared to complete his statement nor has produced any evidence. His representative has also stopped appearing for him. The Tribunal had passed a conditional order that in case the workman does not produce his evidence on 2nd of April, 2008, the same shall be deemed to have been closed. It is in these circumstances the evidence of the workman has been closed.

The Ministry of Labour, Government of India vide their order No. L-40012/395/99/IR(DU) dated 17th Feb., 2000 desired of this Tribunal to find out "whether the action of the Management of General Manager, Telecom, Bhatinda in terminating the services of Sh. Paramjit Singh s/o Sh. Jagir Singh is legal and justified ? If not, to what relief the workman is entitled and from which date?" On getting the notice of the

reference from this Tribunal, the parties appeared and filed their respective claims qua the reference. The workman supported his claim with his affidavit whereas the Management filed the affidavit of their witness. The Parties also placed on record Photocopies of some documents. Part statement of the workman was also recorded, but since the same could not be completed for want of presence of the workman, therefore, the same cannot be read. Thus the documents produced by the parties are not proved in accordance with law and the same cannot be read in the case.

On record I do not find evidence to show that the workman had served in the office of S.D.O, Telephone, Mansa on a permanent job from 1st of Sept, 1993 to 1-3-1999 on a monthly salary of rupees 2610 per month; and that the Management had terminated his services without notice charge sheet, enquiry and compensation. The Management has denied this claim of the workman in their written statement. According to them, the workman was neither engaged nor disengaged by the Management as they had contract with Messrs J. S. Choudhary, Hissar for providing labour to the Management during the period in question. They have placed a copy of the contract on record duly attested by D. E Legal of the Management. The workman has failed to produce evidence to support his claim and rebut that the Management. Since there is no evidence on record to show that the workman was engaged by the Management, and that he had served them from 1st of Sept., 1993 to 1st of March, 1999; and that it was the Management which had terminated his services without notice, charge sheet, enquiry and payment of compensation, therefore, he is not entitled to any relief. The reference is answered against him.

Let a copy of this award be sent to the appropriate government for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 27 मार्च, 2008

का. अ. 870.—औद्योगिक विधाद अधिनियम, 1947 (1947 का 14) की भाग 17 के अनुसरण में, केन्द्रीय सरकार द्वारा संचार विभाग के प्रबंधालाल के संबद्ध नियोजनों और उनके कार्यकारों के बीच, अनुबंध में विदेश औद्योगिक विधाद में केन्द्रीय सरकार औद्योगिक अधिकार/श्रम व्यवायालय नं.-II, नई दिल्ली के पास (संदर्भ संख्या 102/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार की 27-3-2008 की प्राप्त हुआ थी।

[सं. इल-40012/48/2005-आई आर (डी यू)]

सुरेन्द्र सिंह, देस्क अधिकारी

New Delhi, the 27th March, 2008

S.O. 870.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award (Ref. No. 102/2005) Central Government Industrial Tribunal-cum-Labour Court No. II New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 27-3-2008.

[No. L-40012/48/2005-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
NEW DELHI**

R. N. Rai, Presiding Officer

L. D. NO. 102/2005

IN THE MATTER OF :

Sh. Satya Prakash Sharma,
VILL & PO : Patai Khalsa,
Distt : Amroha,
Jyoti Ba Phule Nagar U.P.
Amroha (UP).

Versus

1. The General Manager, CMTS,
Jyoti Palace, Shastradhara Road,
Dehradun.
2. D/o: Telecom,
Dy. Secretary (Admn.),
Sanchar Bhawan,
New Delhi-110 001.

AWARD

The Ministry of Labour by its letter No. L-40012/48/2005 IR(DU) Central Government Dt. 11-8-2005 has referred the following point for adjudication :

The point runs as hereunder :

“Whether the workman Shri Satya Prakash Sharma was employed continuously w.e.f. 1-3-1997 to 10-3-2003 as a Driver in Bharat Sanchar Nigam (CMTS) under Chief General Manager, BSNL, Meerut? If so, his termination/disengagement from the service without any notice and compensation is legal and justified? If not to what relief the concerned person is entitled?”

That the workman above named has been employed with the management above named since 1st March, 1997 till the illegal and malafide termination/retrenchment of his services with effect from 10th May, 2003 as a Driver.

That the workman during the course of his service has driven various vehicle of the management which were

used by the officers of the management above named particularly Car No. UP 25 V 1172, UP 07 J 9429 and UP 07 J 6612.

That for Car No. 25 V 1172, UP 07 9429 and UP 07 J 6612 the management above named is the registered owner.

That the workman was working under the direct supervision and control of the management for which he was paid his wages through vouchers.

That during the course of his services the workman gave no cause of complaint to the management for any reason whatsoever.

That vacant/sanctioned posts of a Driver is available with the management and the job of a driver is of and an essential and perennial nature.

That accordingly the workman moved the Hon'ble CAT, principal Bench Delhi vide OA No. 236/2002 and the Hon'ble High Court of Uttranchal vide case No. 182 (S/B) of 2003 wherein the management was directed to consider the workman's case for regularization.

That on account of the above said cases the management got prejudiced against the workman and decided to teach the workman a lesson by terminating his services.

That accordingly the services of the workman were terminated orally by the management with effect from 10th May, 2003.

That the workman had been in continuous services of the management since the date of his employment till the date of the termination of his services. The workman had completed more than 240 days in each year of services and also in the 12 months preceding the date of termination of his services.

That the workman was not paid any money whatsoever or notice wages or retrenchment compensation in terms of Section 25 (f) of the ID Act, 1947.

That also the rule of last come first go was not followed while terminating the workman's services.

That consequent upon the termination of the services of the workman the management has employed fresh hand without offering reemployment to the workman.

That since the illegal termination of his services the workman despite his best efforts has been unable to secure any employment and was on the verge of starvation.

That the present dispute is being raised by the workman under section 2(A) of the ID Act, 1947.

The management has filed written statement, In the written statement it has been stated that the applicant

was employed as a Driver under the respondents w.e.f. 1-3-1997. It was worthwhile to highlight that in the year 1997 and even as of now there is no sanctioned post of Driver under the opposite parties.

That the applicant was never employed as a Driver by the respondent to drive the vehicles as alleged in his application. At best the applicant might have been employed by the various contractors who had undertaken to execute works/contracts with the respondent including maintenance and running of company vehicles from time to time. It is relevant to submit that the contracts as per above were not against perennial nature of works but were against particular works/projects which have also came to an end. There is no master and servant relationship between the claimant and the management.

That since no relationship of employer-employee existed between the opposite parties and the applicant hence the question of termination of his services by the opposite parties does not arise at all. As far as the opposite party management of M/s. BSNL is concerned, neither the procedure of retrenchment was attracted or was required to be followed.

That the applicant must be put to strict proof of his alleged contentions regarding existence of employer – employee relationship between the opposite party and him and having continuously worked for more than 240 days without any break during the preceding 12 calendar months.

That the provision of Section 25 F of the ID Act, 1947 were neither attracted nor required to be followed as far as the opposite parties were concerned.

That the alleged claim of the applicant regarding regularization under the opposite parties was not only ill-conceived but was illegal too.

That the present complaint application is misconceived and not maintainable since the complainant had already moved the Lt. CAT, New Delhi and Hon'ble High Court of Nainital (Uttarakhand) by filing requisite application and writ petition. The orders passed in writ petition stand implemented and a contempt petition filed was also dismissed. Under the circumstances, the present complaint application is not maintainable and is liable to be dismissed.

The workman has filed rejoinder. In the rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard argument from both the sides and perused the papers on the record.

From perusal of the pleadings of the parties the following issues arise for adjudication :—

1. Whether the workman has completed 240 days work in a calendar year in between his employment w.e.f. 1-3-1997 to 10-5-2003 ?
2. Whether there is employer – employee relationship between the management and the workman ?
3. Whether the workman is entitled to reinstatement ?
4. To what amount of back wages the workman applicant is entitled to ?
5. Whether this Tribunal/Court has jurisdiction to try this reference ?

ISSUE NO. 1

It was submitted from the side of the workman that he drove the Vehicles of the respondents which were used by the Officers of the management. Car No. Up 25 V 1172, Up 07 J 9429 and Up 07 J 6612. He worked under the direct supervision and control of the management.

It was further submitted that the workman moved CAT and the Hon'ble High Court of Uttarakhand. The management was directed to consider the workman's case of regularization. The management got prejudiced on account of the said case and terminated his services illegally and arbitrarily.

It was submitted from the side of the management that there was no sanctioned post in 1997 and there is no sanctioned post even today. The workman might have been employed by the various contractors who have undertaken to execute work/contract with the respondent including maintenance and running of company vehicles from time to time. The work is not of perennial nature. There is no master and servant relationship between the management and the workman. So far as the management is concerned there is no procedure of reinstatement. The provisions of ID Act, 1947 are not applicable. The workman has not completed 240 days service in any calendar year or within 12 calendar months preceding the date of his termination.

The management is an Industry and the provisions of the ID Act, 1947 are applicable. It is needless to dilate this matter further.

MW1 has admitted that there is no document of contractor. No document of any contract has been filed. The workman has been directly engaged by the management. Annexure 5, B-245 is photocopy of the order of SDE. This document has not been denied and the original is presumed to be in the possession of the management. On 26-11-2001 the SDE has written to AGM (Est.) for regularization of this workman. Paper, No. B - 249 is also a photocopy document written by

SDE to the AGM (Estt.). In this letter also request has been made for regularization of the workman.

Besides these two documents which have not been denied by the management, the workman has filed Log Books. Photocopy of Log Books, B - 27 to B - 162. These photocopies of Log Books contain the seal of the management. The workman has filed the receipt of petrol purchased. These documents establish to the hilt that the workman has worked for 240 days in every year.

It has not been specifically denied by the management anywhere that the workman has not worked on the Vehicles referred to above. The SDE has twice sent letters to the AGM (Estt.) recommending regularization of the workman. Thus, it is fully established that the workman has worked for 240 days in each year of his employment. He has served the management from 1-3-1997 to 10-5-2003 as Driver and he has worked 240 days in each of the years of his employment.

This issue is decided accordingly.

ISSUE NO. 2

It was submitted from the side of the management that there is no relationship of employer-employee. The SDE has written several letters to AGM (Estt.) for regularization of this workman. These letters sufficiently proves that the workman worked under the control and supervision of the management and he was only Driver to drive the vehicles. There is relationship of employer and employee between the management and the workman.

This issue is decided accordingly.

ISSUE NO. 3

It was submitted from the side of the bank that reinstatement is not the only relief in all the cases of illegal termination. Section 11 A of the ID Act, 1947 provides for payment of compensation also.

It was submitted from the side of the workman that compensation is payable in cases where an undertaking has become sick or it has been closed or it is in economic loss. It has not been established that the bank is in economic loss and it is a sick Industry.

My attention was drawn by the Ld. Counsel of the workman to 2000 LLR 523 State of UP and Rajender Singh. The Hon'ble Apex Court ordered for reinstatement with full back wages as the services of the daily wager cleaner who worked for 4 years was dispensed with without following the procedure for retrenchment. In the instant case also no retrenchment compensation has been paid. This case law squarely covers the instant case.

It has been held in 1978 Lab IC 1668 that in case service of a workman is terminated illegally the normal rule is to reinstate him with full back wages.

My attention was further drawn to AIR 2002 SC 1313. The Hon'ble Supreme Court has held that daily wager even if serving for a short period should be reinstated.

It was submitted from the side of the workman that in the instant case Section 25 F, G of the ID Act are attracted. In Section 25 of the ID Act it has been provided that if a workman has performed 240 days work and if the work is of continuous and regular nature he should be given pay in lieu of notice and retrenchment compensation.

It has been held by the Hon'ble Apex Court that there is no cessation of service in case provisions of Section 25 F are not complied. In the instant case no compensation has been paid to the workman.

In case a workman has worked for 240 days in a year and the work is of continuous and regular nature he should be paid retrenchment compensation. In case retrenchment compensation is not paid section 25F of the ID Act is attracted. There is no cessation of his service. He is deemed continued in service in the eye of law. In case there is breach of Section 25F the service is continued and reinstatement follows as a natural consequence.

ID Act, 1947 has been enacted to safeguard the interest of the workmen belonging to poor segment of society. It appears that legislature wanted that such workmen should not be harassed un-necessarily so Section 25 F, U, T and Clause 10 of Vth Schedule have been enacted. The objects and reasons of ID Act, 1947 show that the respondent management should not be permitted to indulge in any unfair labour practice. The workmen should not be engaged for years and then they should be removed all of a sudden. There is provision of retrenchment compensation for his removal. Retrenchment compensation is for compensating him otherwise so that he can survive long interregnum of unemployment. In the instant case no retrenchment compensation has been paid.

It was submitted from the side of the management that the Hon'ble Apex Court in 2006 (4) Scale has put down a complete ban on regularization and reinstatement. The Hon'ble Apex Court has held that employment can only be made on the basis of procedure established in that behalf envisaged by the Constitution. Equality of opportunity is the hallmark and the Constitution enshrines affirmative action to ensure that unequals are not treated equals. So public employment should be in terms of constitutional scheme.

It was further submitted that the Constitution Bench Judgment has afforded a right according to which the government is not precluded from making temporary appointments or engaging workers on daily wages.

The Hon'ble Apex Court has not declared the provisions of ID Act un-constitutional. The Government

has got no licence to make always appointment of daily wagers and to continue them for lifetime. Fixed term tenure appointments and temporary appointments cannot be the rule of public employment. At the time of making temporary appointments Articles 14, 16, 21, 23, 226 & 309 are infringed. There is no constitutional mandate that the government is at liberty to go on giving fixed term appointments for the entire tenure of service of an employee.

No such Article of the Constitution has been pointed out under which the Government or Public Sector units can continue incessantly to give temporary and fixed term appointments again and again. Since fixed term appointments and temporary appointments are not governed by any constitutional scheme, such discrimination will amount to vicious discretion. The Government of Public Sector unit will go on resorting to the method of pick and choose policy and give temporary and ad hoc appointments to their favorites and thus the principles of equality enshrined in the Constitution will be given a go-bye. Such is not the intent of the Hon'ble Apex Court. However, in this judgement the provisions of the ID Act governing the services of the workman have not been declared unconstitutional. Reinstatement is the remedy provided in the ID Act for breach of several provisions enumerated therein or for breach of service rules provided in various labour welfare legislations.

Section 11 A of the ID Act stipulates that in case the Tribunal is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstance of the case may require. According to this benign provision this Tribunal has the authority to set aside the order of discharge or dismissal and reinstate the workman on the terms and conditions as it thinks fit.

A three Judges bench of the Hon'ble Apex Court has held in 1993-II-LJ that termination of services affects the livelihood of not only of the employee but also of the dependents. So in case of illegal termination of service the workman should be reinstated.

Reinstatement should not be misconceived as regularization. By the order of reinstatement the status quo ante of the workman is restored. He is given back wages in order to compensate him for his illegal disengagement. This is a special remedy provided in ID Act and it has not been annulled and set aside by any judgement of the Hon'ble Apex Court. The provisions of the ID Act are still constitutional and they are to be given effect to.

In case the workman is reinstated with back wages the respondents have every right, after payment of back wages and reinstatement, to retrench him validly following the principle of first come last go so that Sections 25 G & H of the ID Act are not violated.

In the instant case it has been held while deciding issue no. 1 that the workman has worked continuously from 1-3-1997 to 10-5-2003 as a Driver under the management. It is not the case of the management that the work is not existing. The workman has worked for 7 years continuously and he has discharged 240 days duties in every year of his employment. He has not been paid retrenchment compensation and one month's pay in lieu of notice. The work is still existing as it has been nowhere stated by the management that the management does not own any Car or Jeep. Where the work is existing reinstatement is the only remedy to undo the illegal termination of the workman by the management. In the instant case the workman is entitled to reinstatement.

This issue is decided accordingly.

ISSUE NO. 4

It was submitted by the management that payment of full back wages is not the natural consequence of the order of discharge or dismissal being set aside. It has been held in (2003) 6 SCC 141 that it is incumbent upon the labour court to decide the quantum of back wages.

It has been further held in this case that payment of back wages having discretionary element involved it is to be dealt with the facts and circumstances of the case. No definite formula can be evolved.

It has been further held in this case that payment of back wages in its entirety is the statutory sanction. In (2003) 4 SCC 27 the Hon'ble Apex Court held that in view of delay in raising the dispute and initiating the proceedings back wages need not be allowed. In the instant case there is no delay at least on the part of the workman in raising the dispute.

In 1978 Lab IC 1968—three Judges Bench of the Hon'ble Apex Court held that payment of full back wages is the normal rule. In case services have been illegally terminated either by dismissal or discharge, or retrenchment, in such circumstance the workman is entitled to full back wages except to the extent he was gainfully employed during the enforced idleness. In the instant case the workman was always ready to work but he was not permitted on account of invalid act of the employer.

In 2005 IV AD SC 39—three Judges Bench of the Hon'ble Apex Court held that reinstatement with full back wages is justified. In this case the workman has performed more than 240 days work and he has been retrenched without payment of compensation and pay in lieu of notice.

It was submitted from the side of the management that reinstatement is not the only remedy. In such cases the workman may be given compensation. Section 11A of the ID Act, 1947 provides that in case of dismissal or discharge is found illegal reinstatement should be ordered. It has been held in a catena of cases by the Hon'ble Apex Court that reinstatement with full back wages is the normal rule. The statute provides for reinstatement. In certain exceptional cases where the undertaking has been closed down or it has become sick there may be order for payment of compensation.

The workman is a Driver. It cannot be presumed that he is sitting all along without doing any duty. He is a skilled workman he must be doing some sort of work though he has not been employed in any establishment. In the circumstances he is entitled to 25% back wages.

This issue is decided accordingly.

ISSUE NO. 5

It was submitted from the side of the management that the provisions of ID Act, 1947 are not applicable so far as the management is concerned. BSNL is an undertaking of the Central Government. Systematic activities are carried on in BSNL. The provisions of ID Act, 1947 are applicable in the case of management.

It was further submitted that the workman has moved the Hon'ble CAT and the Hon'ble High Court of Uttranchal and he has got no relief, so the case of the workman is barred by principles of res-judicata. It is settled law that in ID cases, the principles of res-judicata are not applicable. The Hon'ble High Court of Uttranchal has directed for his regularization.

The Central Government Tribunal has exclusive jurisdiction to decide the case of the workman working in the Industries under the control of the Central Government. BSNL is run under the authority of the Central Government. It is an Industry. The Hon'ble High Court of Uttranchal has directed the management to consider his case of regularization. There is no direction for reinstatement. The management may not have found the case of the workman fit for regularization but in view of Section 23-F of the ID Act, 1947 the workman is eligible to raise this industrial dispute and the Court has jurisdiction to decide this reference.

This issue is decided accordingly.

The reference is replied thus :

The workman Shri Satya Prakash Sharma was employed continuously w.e.f. 1-3-1997 to 10-5-2003 as a Driver in Bharat Sanchar Nigam (CMTS) under Chief General Manager, BSNL, Meerut. His termination/disengagement from the service without any notice and compensation is neither legal nor justified. The management is directed to reinstate the workman along

with 25% back wages within two months from the date of the publication of the award.

The award is given accordingly.

Date : 20-3-2008 R. N. RAI, Presiding Officer

नई दिल्ली, 27 मार्च, 2008

का. आ. 871.—औद्योगिक विवाद अधिनियम, 1947 (1947

का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार दूसंचार विभाग के प्रबंधित विवाद में, केन्द्रीय सरकारी और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय, नं.-II, चंडीगढ़ के पंचाट (संदर्भ संख्या 1219/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार का 27-3-2008 को प्राप्त हुआ था।

[सं. एस-40012/51/2005-आई आर (डी.पी.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 27th March, 2008

S.O. 871.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1219/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workmen, which was received by the Central Government on 27-3-2008.

[No. L-40012/51/2005-JR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, SECTOR 18-A, CHANDIGARH

PRESENT :

Shri Kuldip Singh, Presiding Officer

Case I.D. No. 1219/2K5

Registered on : 29-11-2005

Date of Decision : 14-3-2008

Roop Lal S/o Shri Sant Ram R/o Kaziana, Tehsil Kalka, Panchkula (Haryana) ... Petitioner

प्रतिका

The Sub-Division Engineer, Telephone, Kalka, Panchkula (Haryana) ... Respondent

APPEARANCE

For the Workman : Messrs. Sanjeev Sharma and Gian Chand Goel, Advocates.

For the Management : Nemo.

AWARD

The following reference was received from Ministry of Labour, Government of India for adjudication vide their order No. L-40012/51/2005-JR (DU) dated 26th of October, 2005 :

“Whether the action of the Management of Sub-Divisional Engineer, Kalka, District, Panchkula, in terminating the services of Satish Kripal S/o Shri Sant Ram, Ex-Jorry Driver, w.e.f. 1-7-94 without any notice and payment of retrenchment compensation is illegal and unjustified ? If so to what relief the concerned workman is entitled to and from which date ?”

The notice of the reference was given to the Parties. The workman appeared alongwith his representative whereas despite repeated notices the Management did not appear. Finally a notice under registered cover was issued to the Management vide postal receipt No. 678 dated 4-9-2006. The Management still did not appear despite expiry of statutory period of thirty days nor the registered cover carrying the notice was received back un-served. The Tribunal still waited for the Management for a week, but no body turned up for them, rather till date they have not appeared. It was in these circumstances that the Management was put ex parte on 12-10-2006. The Tribunal again sent notice to the Management under registered cover postal receipt No. 314 on 6-12-2006 informing them that they have been put ex parte. Still the Management did not appear and their case is not before this Tribunal. In support of his claim the workman has filed his affidavit. He has also appeared as witness. He has filed written argument and his counsel also addressed arguments supporting his case.

The claim of the workman is that he was appointed as driver on daily wages on 21st of May, 1992 but was relieved on 1st of July, 1994 although his service record was satisfactory. At the time of relieving the SDE had told the workman that he will be given the same job after some time. The workman attended the office of SDE Kalka and the office of G.M. Telephone, Ambala. He was called for job alongwith other candidates in the year 1995 among whom the workman was the senior and only experienced driver, but one Bachu Lal, who was working as class IV helper with CGM, Telephone, Ambala, was appointed. In response to the demand notice raised by the workman, the Management appeared but did not agree to conciliation initiated by the A.L.C. (C) Chandigarh; hence the reference. The claim of the workman further is that since he had performed his duty sincerely and honestly and was an experienced driver, therefore, he deserved to be given the job of the driver. He has prayed for a direction to the Management to appoint him as driver.

In Support of his claim the workman has sworn in an affidavit WW1. He has also placed on record documents showing the working days he served the Management and exhibited as WW1/1, WW1/2. The workman has re-iterated the facts given in his statement of claim by his affidavit. The composite reading of affidavit of the workman WW1, documents WW1/1 and WW1/2 together with the statement of workman recorded in the Tribunal leave on room to doubt that the workman has served the Management from 21st of May, 1992 to 1st of July, 1994. There appear some variations in the documents WW1/1 and WW1/2 which are issued by the officers of the Management. The Management has not come forward to rebut the claim of the workman or to admit or deny the contents of these documents. However, the workman in his statement, recorded in the Tribunal, admitted that at the time of his engagement, the post on which he was engaged was not notified. He claimed that he was summoned by the SSO who had checked his driving and engaged him; that he was the alone person called for interview and engaged. This shows that the initial engagement of the workman was not done after an open competition. The fact however remains that the workman had served the Management for 240 days in a year, if not immediately, in the year next before the year of termination of his services. It has not also come on record that before terminating his services the Management had given notice to the workman or paid retrenchment compensation. There is also no evidence on record to show that the Management had informed the appropriate government about the proposed termination of services of the workman. Thus the termination of services of the workman was in clear violation of Section 24-F of the Industrial Disputes Act, 1947; hence the same is quashed. He is treated to be in service as if there was no order of termination of his services.

Now the question that arises for consideration is as to what relief the workman is entitled to and from which date. It has been noticed above that the engagement of the workman was not after following the due procedure in accordance with rules and after an open competition. In view of the law laid down by the Hon'ble Apex Court in the case of Secretary, State of Karnataka and Ors. Versus Umadevi reported as (2006) 4 SCC 1, he cannot be re-instated on the post he had worked even if the said post is available. He is however, entitled to the compensation as he had served the Management for more 240 days. Considering the length of service rendered by the workman, the suffering he has undergone during this period in contesting his case and maintaining his family, it cannot be accepted that he has remained without work all through this period, otherwise how he could meet his household expenses. Considering the facts and circumstances I am of the opinion that the ends of justice

demand that the workman should be paid a compensation of rupees one lac for illegally terminating his services and I order accordingly. The Management is directed to pay this compensation to the workman within three months from the date they receive the copy of the award. In case of their failure to do it, the workman shall be entitled to interest on the awarded amount @ 9% from 12-10-2006, the day were put ex parte. Therefore is answered in these terms.

Let a copy of this award be sent to the appropriate government for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 27 मार्च, 2008

का. अ. 872.—औद्योगिक विधाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार सेट बैंक ऑफ इंडिया के प्रबंधात्र के समझौतों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विधाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संखा 59/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार की 27-03-2008 को प्राप्त हुआ था।

[सं. एल-12012/247/1995-आई आर (बी-1)]
अजय कुमार, डेस्क अधिकारी

New Delhi, the 27th March, 2008

S.O. 872.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 59/1997) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial Dispute between the management of State Bank of India and their workmen, which was received by the Central Government on 27-03-2008.

[No. L-12012/247/1995-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/59/97

Shri C. M. Singh, Presiding Officer

The General Secretary,
State Bank of India Workman Union,
Bhopal Circle,
Chhindwara Branch,
PO Distt. Chhindwara (MP)

... Workman/Union

versus

The Asst. General Manager.

State Bank of India,
Region-IV, Zonal Office,
Bhopal

... Management

AWARD

Passed on this 19th day of February, 2008

I. The Government of India, Ministry of Labour vide its Notification No. L-12012/247/95-I.R. (B-1) dated 4-3-97 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Asstt. General Manager, State Bank of India, Region-IV, Zonal Office, Bhopal (M.P.) instead of regularising Shri Dinesh Sharma when he has already completed continuous service for the total period 1220 days between 1978 to 1994 and then kept him as a temporary casual staff in the interrupted interval for a long period from 17-3-88 and then suddenly on verbal instructions stopping him from his duty without complying with the prescribed procedure is justified and legal ? If not, to what relief the workman is entitled to ?”

2. Vide order dated 14-12-07 passed on the ordersheet of this reference proceeding, the reference proceeded ex parte against the workman/Union. In spite of sufficient service of notice on the workman/Union, no statement of claim has been filed.

3. The management also failed to file the Written Statement.

4. On the date fixed for argument, no body appeared for the parties and in this manner, the reference was closed for award.

5. It is a case of no pleadings and no evidence. Therefore the reference deserves to be decided in favour of the management and against the workman/Union without any orders as to costs.

6. In view of the above, the reference is decided in favour of the management and against the workman/Union without any orders as to costs holding that the action of the management of Asstt. General Manager, State Bank of India, Region-IV, Zonal Office, Bhopal (M.P.) instead of regularising Shri Dinesh Sharma when he has already completed continuous service for the total period 1220 days between 1978 to 1994 and then kept him as a temporary casual staff in the interrupted interval for a long period from 17-3-88 and then suddenly on verbal instructions stopping him from his duty without complying with the prescribed procedure is justified and legal. Consequently the workman is not entitled to any relief.

7. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 27 मार्च, 2008

का. अ. ६७३.—ऑफिशियल विवाद अधिनियम, १९४७ (१९४७ का १४) के अनुसार में, केन्द्रीय सरकार स्टेट बैंक ऑफ ट्रावांकोर के प्रबंधनात्मक संबद्ध नियोनेशन और इनके कर्मकार्य के बीच, अनुसार में निर्विच औफिशियल विवाद में केन्द्रीय सरकार ऑफिशियल अधिनियम, इमानुएल के नंबर (सेदर्स स्टेटम ३२८/२००६) के प्रकाशित करती है, जो केन्द्रीय सरकार को २७-०३-२००८ को प्राप्त हुआ था।

[सं. प्रा-१२०१२/११६/२००२-आई आर (बी-१)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 27th March, 2008

S.O. ६७३.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 328/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure, in the Industrial Dispute between the management of State Bank of Travancore, and their workmen, which was received by the Central Government on 27-03-2008.

[No. L-12012/116/2002-IR (B-1)]
AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

PRESENT :

Shri P. L. Norbert, Presiding Officer, B.A., LL.B.
I.D. 328/2006

(I.D. 14/2002 of Labour Court, Ernakulam)

Workman : Smt. T. M. Jayasree,
"The Nest",
Pandakkal Road, Pattambi,
Palakkad District
By Adv. Sri Ashok B. Shenoy
Management : The Assistant General Manager
State Bank of Travancore,
IV Disciplinary Authority,
Calicut-4
By Adv. Sri Saji Varghese

This case coming up for hearing on 14-11-2007, this Tribunal-cum-Labour Court on 16-11-2007 passed the following.

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act for adjudicating the correctness of the action of management in dismissing the worker from service.

2. Facts of the case in brief are as follows :—

Shri T. M. Jayasree was working as Teller in Pattambi Branch of State Bank of Travancore for

sometime. On health reasons she got a posting in despatch section of the same branch after sometime. While so on 20-10-1998 the Clerk of Savings Bank Section was late to arrive and the worker was asked by her superior officer to attend to Savings Bank Section until the concerned clerk arrived. Accordingly the worker attended the Section at 10 a.m. According to the worker while in S.B. Section one Smt. K. P. Rukkya approached her with a withdrawal form for Rs. 50,000. As there was no pass book with the customer the withdrawal form was referred to concerned officer who authenticated the withdrawal. The worker then posted the withdrawal in the SB ledger and forwarded it to the concerned officer for passing the instrument. Meanwhile the SB Clerk arrived and the worker returned to her seat in the despatch section. The worker was not aware of the subsequent developments. On 24-08-2000 the worker received a memo suspending her from service. Thereafter a chargesheet dated 22-09-2000 was issued to her. The allegation was that the worker had fraudulently withdrawn the money of the customer and misappropriated the same and destroyed the evidence by removing the voucher. The worker submitted a reply denying the charges. But the management conducted an enquiry. According to the worker the enquiry was conducted violating the principles of natural justice. Documents called for were not produced by the management. Important questions in the cross-examination of management witnesses were disallowed by the Enquiry Officer. There is no legal evidence to prove the charges. The worker has put in 22 years of unblemished service. Her work was appreciated by the management. Disciplinary proceedings against the worker is an act of victimization and an unfair labour practice. Similar officers who dealt with the transaction under dispute were spared by the management. The worker is the mother of two school going daughters. Her aged mother is staying with her. She has no other source of income. The worker is innocent.

3. According to the management worker had committed fraud and misappropriated Rs. 50,000 from the account of a customer of the bank of Pattambi Branch. The enquiry was conducted by complying with the principles of natural justice and giving full opportunity to the worker. Both sides adduced evidence. The management witnesses were cross-examined by the defence. Based on the evidence on record the Enquiry Officer came to the conclusion that the worker was guilty of the charges. A copy of the report was given to the worker and she was heard by the Disciplinary Authority before punishment of discharge was imposed. Appeal filed by the worker was heard and dismissed. The misconduct committed by the worker is very grave in nature. There is no basis for the allegation that real culprits are left scot free. The findings are based on evidence and in the matter of punishment a lenient view was in fact taken by the Disciplinary Authority by imposing the punishment

of discharge instead of dismissal. The worker is not entitled for any relief.

4. In the light of the above pleadings the following points arise for consideration :—

1. Are the findings sustainable ?
2. Is the punishment proper ?
3. Regarding Reliefs.

The evidence consists of Ext. M1 Enquiry file alone.

5. Point No. 1 : It is an admitted fact that the worker Smt. T. M. Jayasree was working in Pattambi Branch of State Bank of Travancore on 20-10-1998 when the alleged incident occurred, that she was posted in the dispatch section and that she had acted as SB clerk on 20-10-1998 for some time and that she had posted withdrawal of Rs. 50,000 in the Savings Bank ledger concerning Smt. K. P. Rukkiya on 20-10-1998.

6. The allegation against the worker is that with the fraudulent intention of withdrawing money of a customer the worker had posted withdrawal of Rs. 50,000 in the Savings Bank ledger and received money from the cashier and misappropriated the same. The worker denies and contends that she had only helped the SB Clerk in latter's absence by attending the customers of SB counter. The withdrawal was authenticated by the concerned officer. The money was not received by her. Much before that the concerned SB Clerk had arrived and she had not further dealt with the transaction in question.

7. Exts. PEX-2, 10, 11 and 12 of Ext. M1 prove withdrawal of Rs. 50,000 from the SB Account No. 7049 of Smt. K. P. Rukkiya on 20-10-1998. Ext. PEX-2 is ledger sheet concerned (page 9), PEX-10 is cash scroll of Special Assistant (Pg-26), PEX-11 is cash payment Register (Pg-30) and Ext. PEX-12 is Savings Bank Subsidiary Register (page 36). Smt. Rukkiya came forward and said that she had not been to the bank on 20-10-1998 for withdrawing any amount, much less Rs. 50,000. According to her she had kept the amount in bank for the purpose of her daughter's marriage. At the time of the incident her eldest daughter was doing degree course, second year. Ext. PEX-3 is copy of her pass book. It shows that she used to withdraw money only at long intervals and the quantum was not exceeding Rs. 5,000. The last withdrawal was on 17-04-1996. Thereafter for more than 2 years there was no withdrawal. She had no cheque facility. She always used withdrawal form to withdraw money. It is in the background of this statement of Smt. K. P. Rukkiya (PW6, page 127 of Ext. M1) that the version of the worker is to be assessed.

8. Ext. PEX-3 (page 15) is her reply to the memo of charges. Her case is that Smt. K. P. Rukkiya had approached her with a withdrawal form signed by her for withdrawing Rs. 50,000 from her SB Account No. PB-7049/63 and that the customer had come without Pass

Book. Hence the worker referred the withdrawal to the concerned officer who authenticated the withdrawal by initialing the withdrawal in the SB ledger and issued token to the party. Then the ledger with the withdrawal form were referred to the concerned officer for passing the instrument. It is relevant to note that the worker is definite that the customer Smt. K. P. Rukkiya had approached her. She also remembers that the customer had not brought pass book, but had submitted only a signed withdrawal form for withdrawing Rs. 50,000 from her account. This transaction and its discrepancy in the account of the customer came to the notice of the management only in July 2000 while verifying the account of another customer Shri P. Abdul Gafoor who had complained that he had not withdrawn Rs. 30,000 on 27-02-1999 from his account. That means in the case of Smt. K. P. Rukkiya the alleged withdrawal was detected 1 year 9 months after the incident of withdrawal. Even at this distance of time the worker could remember that the customer Smt. Rukkiya had approached her on 20-10-1998 with a signed withdrawal form and without pass book. She may be justified for remembering the customer and the transaction because she had attended only one customer on 20-10-1998. But is that the truth ? The pass book (PEX-3) shows that even the last withdrawal admitted by the customer was made by producing pass book. According to Smt. Rukkiya she had never withdrawn money without bringing pass book. The money she deposited on different dates is the compensation she received on account of the death of her husband who was working abroad. This is evident from her complaint to the bank, Ext. PEX-4 (page-14) that while giving evidence before enquiry officer she had stated that she had saved the money for the purpose of marriage of her daughters who were studying and had not yet fledged. The pass book shows that the withdrawals were at long intervals and the amount withdrawn never exceeded Rs. 5,000. The customer had no special need to withdraw a large sum of Rs. 50,000 on 20-10-1998. The total amount in her account as on 20-10-1998 was only Rs. 54,902 (PEX-2 page-9). Therefore unless there was urgent need there was no occasion for withdrawing such a large sum, by an ordinary housewife who has no other source of income other than the earnings of her husband. In the circumstances there is no reason to discredit the testimony of PW6, Smt. Rukkiya that she had not withdrawn the money. A poor lady and a widow, with ordinary family background and social circumstances would not dare to lie as she does not stand to gain by telling that she has not withdrawn the money. She has no motive to implicate the worker. During cross examination of Smt. Rukkiya no question was put by the worker suggestive of her need for money on 20-10-1998. The worker has not been able to show what is the motive for the Manager or Deputy Manager or any other Officer of the bank to accuse her. No such instance is pointed

out. Hence the management has no reason to compel the customer to lie against the worker nor is the customer (a poor house wife) capable of understanding such sinister motive, if any, of the management and dance according to the tune of the officers. The management proceeded against the worker as she was the person who had first attended the withdrawal transaction on 20-10-1998 and according to the management none had connived with the worker in the incident. It is the definite case of management that Smt. Rukkiya had not come to bank and withdrawn the money. Whereas the worker is certain that Smt. Rukkiya had approached her. This version of the worker can in no way be true in the light of the circumstances aforementioned. The statement of the worker in Ext. PEX-5 (page 15) cannot be taken as a casual statement, as it is repeated in the claim statement and no deviation is made. The contention of the worker that complaint from Smt. Rukkiya was obtained by management subsequently with a view to trap her, has no basis because the detection of the incident was not at the instance of Smt. Rukkiya. She came to know of the incident only from the management. But she had to make a formal request to the bank to put the money illegally taken away, back in her account. So far as bank is concerned such a request from the account holder was also necessary for proceeding with the enquiry. Smt. Rukkiya had not suspected anyone or suggested as to what could have happened on 20-10-1998. Ext. P4 request was that on 20-10-1998 she had not withdrawn any amount from her account and hence the shortage in the deposit may be made good. Her request (complaint) will not help the management to incriminate anyone. Therefore there is no merit in the contention of the worker that the management was trying to make out a case against her by getting a complaint from the customer.

9. The Enquiry Officer has found that the 1st charge that the worker had posted withdrawal in the SB ledger with the intention of committing fraud stands proved. I have already mentioned that the worker admits that she had posted the withdrawal in the SB ledger. The disputed part of the charge is regarding intention to commit fraud. The intention can be gathered only from the circumstances. The prime circumstance is that Smt. Rukkiya, the account holder or anybody authorized by her, had not approached the bank for withdrawal of money on 20-10-1998. But according to the worker, Smt. Rukkiya had approached her. This case of the worker is totally untrue. The next circumstance is that the first and the only transaction that the worker attended in SB counter on 20-10-1998 was that of the customer, Smt. Rukkiya. It has come out in evidence that there were two clerks in the SB section at the relevant time. The worker was in the despatch section. The SB Clerks are PW-9 Ms. Silaja V. and PW-11 Ms. Vijayakumari. PW-9 belongs to Ponkunnam of Thrissur District and she used

to commute between Thrissur and Pattambi of Palakkad District every day. She admits that the distance is 48 km and sometimes she was late to arrive. In such situations some other staff used to attend SB Section. At any rate Attendance Register Ext. PEX-8 does not show that somebody was late on 20-10-1998. However the possibility of PW-9 reaching late on that day cannot be ruled out especially when Deputy Manager PW-3 says that he does not remember whether he had asked the worker to attend SB counter. But the only work that was done by the delinquent was that she had posted the withdrawal of Rs. 50,000 in the concerned SB ledger and referred it for authentication of PW3. After it was authenticated she issued token. Nothing more was done by her. The payment was scribbled by Special Assistant PW-4 and cash was paid by PW-5 Cashier. The Deputy Manager PW-1 says that the withdrawal form was not brought to him and he has not initiated or authorized payment. The withdrawal form is missing from the record room of the bank and there is no way to verify either the initial of PW-3, if any or the signature of the customer in the withdrawal form. It is in evidence that there was heavy rush in the SB Section on 20-10-1998. Yet the worker attended to only one withdrawal before the arrival of concerned SB Clerk. While the withdrawal form was referred for authorisation of the Deputy Manager and by the time it returned the worker could have attended to other customers in the SB counter. Strangely enough she waited for the authorisation and on receipt, issued token and forwarded the SB ledger and withdrawal form to the Special Assistant. A person who attends a counter where there is heavy rush cannot sit idle until the processing of one transaction is complete. This is yet another circumstances going against the worker.

10. The payment was made out of turn. It is an admitted fact that in the 1st page of cash scroll of 20-10-1998 token No. 192 is noted at the top, though in the photostat copy Ext. PEX-10 that writing is not seen. It is the token issued to the account holder SB Account No. 7049 (Rukkiya). The Cashier of that day Smt. K. S. Mini admits that fact. According to her the purpose of noting token number at the top of cash scroll is for making payment out of turn. She explains that out of turn payment is made in case of emergency and to V.I.P. customers. But for V.I.P. customers no token is normally issued, but vouchers are presented either by Manager or staff. Smt. Rukkiya is not a V.I.P. customer. What was the urgency to pay the amount out of turn is also not known. This is more relevant as Smt. Rukkiya had not been to bank.

11. Ext. PEX-8 is Attendance Register, relevant page. Serial No. 15 is worker. On 20-10-1998 she was present. Attendance is marked both in the morning as well as in the evening. The initial of worker at the time

of departure on 20-10-1998 is different from the initials at the time of arrival on that day and on subsequent days i.e. 21-10-1998 to 28-10-1998. The Enquiry Officer finds that the worker had a disturbed mind due to guilty conscience and so she could not even put her initial properly. The findings is not without basis. As pointed out the initial of worker on all other days are similar except that of the afternoon of 20-10-1998. The worker's explanation is that the first part of her initial is blurring and that is the reason why it appears to be different from other initials. But a close look at the initial will show that her version is not true. In the disputed initial she has put the initial in such a way that there is no space within the column of the Attendance Register to accommodate the alleged blurring 'head' of the initial. Her full initial is there in Ext. P8 on 20-10-1998 A.N. and no portion is blurred. This initial of 20-10-1998 A.N. is similar to the initial of Dy. Manager Shri Parameswaran (PW3) who was the officer to authorise withdrawal by putting his initial in the withdrawal form. Therefore management contends that the worker had forgot the initial of Deputy Manager in the withdrawal form and straight away sent it to scrolling clerk. Withdrawal form is missing and so it is not possible to verify the truth. Coupled with this, in Ext. PEX-2 SB ledger sheet in the column of withdrawal when balance was struck she bungled and wrote figure '4992' instead of '4902' and then corrected. In the next column underneath she wrote the correct figure '4922' and initialled. This again depicts the perturbed state of mind of the worker.

12. Another instance is that on the same day the worker had withdrawn Rs. 20,000 from her account. On the next day the same amount was deposited. Ext. PEX-16, SB Ledger sheet of the account of worker (Smt. T. M. Jayasree) confirms this fact. Her explanation is that she had given this amount to Shri P. T. Velayudhan, Peon for remitting it in the loan account of Velayudhan in Co-operative Society. But on the next day Shri Velayudhan returned the money saying that it was not required. The said Velayudhan is not a witness on the side of the worker. If her case were genuine she could have examined him.

13. All the above circumstances lead to the irresistible conclusion that the worker had the intention to commit fraud.

14. The next allegation is that the worker had produced token and received cash from the cashier. But Cashier (PW5) does not remember whether the amount was paid to the worker or not. She says that the worker has not received such amounts of customers at any time from her. She can only say that the person who held the token was given the amount. The cashier had no particular reason to remember the particular payment.

There is no evidence regarding receipt of money by the worker as rightly pointed out by Enquiry Officer.

15. The next allegation is that the worker had removed voucher with a view to destroy the evidence against her. Voucher is missing from the record room admittedly. The management has not been able to find out as to how it had happened and who is the culprit. There is a record-keeper in the bank and he is DW1 in Ext. M1, K. Mohanan. Vouchers and other records are kept in the stationery room. He admits that a bunch of vouchers including the disputed voucher is missing. During working hours the stationery room is open and staff have access. For balancing work of SB ledger different staff take out vouchers for verification. There is a suggestion by the management that balancing work of SB ledger No. 63 was allotted to worker and she might have removed the voucher in question. But it is found by the Enquiry Officer that the balancing work was done by the worker one year after the incident and there is no convincing evidence against the worker.

16. The customer had suffered a loss of Rs. 50,000 as the amount was withdrawn without her knowledge from her account and the bank is accountable to her. To that extent bank has suffered loss.

17. The Enquiry Officer has found that the 1st charge is proved, 2nd charge is partly proved and the third charge is not proved. It is contended by the learned counsel for the worker that, since there is no evidence to show that the worker had received the money from the cashier or removed voucher, the allegation of misappropriation of money has no basis. The argument is not sound. The transaction was initiated by the worker and I have found that she had the intention to commit fraud with a view to appropriate the money to herself. Since Smt. Rukkiya had not approached bank or sent anyone to withdraw money the very withdrawal form must have been forged by the worker. If the initial steps were taken by her the remaining part of the procedure is automatic. It has not come out in evidence that there is any connivance of any other staff in the transaction. The money is withdrawn from the account at any rate. Once fraud is committed with the intention of misappropriating money and as per the account money is debited it matters little whether the money was received by the worker from the cashier. To prove misappropriation it is not necessary to show that money was received directly by the worker from the cashier. Once intention to misappropriate money is proved, proof of actual receipt of money is not essential and a presumption can be drawn that she has enjoyed the booty. It is an act prejudicial to the interest of the bank falling within clause 19.5(j) of 1st Bipartite Settlement. The contention of the learned counsel for the worker that if at all the worker is found to have committed misconduct, it amounts to only negligence falling either

under clause 19.5(d) or 2nd part of (j) of the settlement, is not acceptable. The intention to commit fraud is writ large and squarely falls within 1st part of sub-clause (j) of clause 19.5. Lack of evidence regarding removal of voucher by the worker cannot lessen the seriousness of the misconduct. I may also mention that since there is no serious attack on the procedural aspects of the enquiry, unless the findings are perverse adjudicating authority is not justified in deviating from the findings of Enquiry Officer. In other words if the findings are based on materials on record this court is not to go into the reasoning of the Enquiry Officer in reaching the findings. I have carefully considered the evidence on record and I find convincing circumstances and evidence is proof of the guilt of the worker. No interference in the findings of Enquiry Officer is called for.

18. Point No. 2 :—The punishment according to the learned counsel for the worker is improper, illegal and harsh. The punishment imposed is discharge (subject to the sanction of the superannuation benefits by the competent authority) without disqualification for future employment and recovery of Rs. 50,000 from the worker. According to the learned counsel for the worker discharge and recovery are double punishments and is against clause 19.9 of the settlement. It reads :—

“A workman found guilty of misconduct, whether gross or minor, shall not be given more than one punishment in respect of any one charge.”

19. The learned counsel for the management on the other hand, relying on the decision in *Mahabal S. Amin Vs. Vijaya Bank* 2003-1-LJ 394 at 397 para 14, contended that apart from imposing any of the major or minor penalties they can also recover the pecuniary loss caused to the bank. Para 14 reads :—

“We are in agreement with the view taken by the Kerala High Court to the extent that if an employee is found to be guilty of causing pecuniary loss to the bank then the disciplinary authority apart from imposing any of the major or minor penalties envisaged under Regulation 4 can also direct for recovery of pecuniary loss caused to the institution from delinquent. This is so even in common law. It requires no specific provision under the regulations for the purpose. This is more in the nature to based on charge.”

20. In the light of the above observation the punishment imposed cannot be said to be illegal. That apart considering the seriousness of the misconduct the penalty of discharge is no way disproportionate. The fact that the worker is the sole bread winner of her family consisting of two daughters and aged mother is no mitigating circumstance in case of misappropriation of money.

21. It was then contended that period of suspension cannot be treated as one without wages. My attention was drawn to clause 19.4 of the settlement. It speaks of prosecution in criminal trial and the effect of non prosecution in respect of period of suspension. Though a complaint was lodged with police regarding the incident they referred the matter after investigation. The relevant portion of clause 19.4 says that if the authority concerned come to the conclusion that there is no case for prosecution it shall be open to the management to proceed against the employee under clauses 19.11 and 19.12 relating to discharge, but he shall be deemed to have been on duty during the period of suspension and shall be entitled to full wages and allowances and to all other privileges for such period. According to the management what is applicable in this case is clause 19.12(b). The relevant portion reads :—

“.....and if some punishment other than dismissal is inflicted the whole or a part of the period of suspension, may, at the discretion of the management, be treated as on duty with the right to a corresponding portion of the wages, allowances etc.”

But the provision relates to a case other than dismissal. The punishment here is ‘discharge’ which is a milder form of punishment than dismissal. Even as per clause 19.12(b) suspension period is to be treated as on duty. Superannuation benefits are also granted to the worker. In the facts of this case the provision applicable is 19.4 and the period of suspension is to be treated as on duty with the right to full wages and allowances and all other privileges for such period of suspension.

In the result, an award is passed finding that the action of the management in imposing the punishment of discharge with superannuation benefits and recovery of an amount of Rs. 30,000 from Smt. T. M. Jayasree is legal and proper. However the period of suspension is to be treated as on duty with the right to full wages and allowances and all other privileges for such period of suspension. The parties will suffer their respective cost.

The award will come into force one month after its publication in the official gazette.

Typed, corrected and passed by me on this the 16th day of November, 2007.

P. L. NORBERT, Presiding Officer

Appendix

Exhibits for the workman — Nil

Exhibits for the Management — Enquiry File.

नई दिल्ली, 31 मार्च, 2008

का. अ. 874.—ओरिएंटल बैंक अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओरिएंटल बैंक ऑफ कॉमर्स के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार ओरिएंटल अधिकरण/श्रम न्यायालय, नं. 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 784/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-3-2008 को प्राप्त हुआ था।

[सं. एल-12012/275/92-आई आर (बी-II)]

राजिंद्र कुमार, डेस्क अधिकारी

New Delhi, the 31st March, 2008

S.O. 874.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Reference No. 784/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Oriental Bank of Commerce and their workmen, which was received by the Central Government on 24-3-2008.

[No. L-12012/275/92-IR (B-II)]
RAJINDER KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, SECTOR 18-A, CHANDIGARH

Shri Kuldip Singh, Presiding Officer

Case I.D. No. 784/2005

Registered on 6-9-2005

Date of Decision 7-3-2008

Raj Pal S/o Sain Dass R/o Hari Nagar, Pathankote
Care of CITU Office, Gandhi Chowk, Pathankote
...Petitioner

versus

Assistant General Manager, Oriental Bank of
Commerce, Jalandhar City, Punjab ... Respondent

APPEARANCE :

For the Workman : Mr. Sunil Kumar
Choudhary, Advocate

For the Management : Mr. Ram Chander
Advocate

AWARD

The Central Government Ministry of Labour vide
Notification No. L-12012/275/92-IR(B-II) dated 27th

January, 1993 has referred the following dispute to this
Tribunal for adjudication :

“Whether the action of the management of Oriental
Bank of Commerce in dismissing Shri Raj Pal from
the services of the bank justified ? If not, to what
relief is the workman entitled ?”

It is on record that the workman did not put his
appearance; and that the Tribunal presumed that he is
left with no interest to pursue his claim, therefore, vide
award dated 1-5-2003 the reference was dismissed and
returned to the Appropriate Govt. However, on a petition
by the workman, Hon'ble High Court of Punjab and
Haryana vide their judgement dated 6-3-2005 set aside
the said award and directed Tribunal to adjudicate upon
the matter in accordance with law. The reference was
received by this Tribunal, on transfer, on 6-9-2005.
Hon'ble High Court further directed that the reference
be disposed of within a period of one year and restricted
the parties to adduce their evidence in two opportunities
each.

The claim of the workman is that the management
had terminated his services wrongly and with mala fide
intentions on account of his trade union activities on
24-4-1992. The management did not pay suspension
allowance to the workman. They also violated the
provisions of Laws, therefore, the suspension and finally
his dismissal was illegal. The management did not hold
proper enquiry and also violated the principle of natural
justice. He was not provided with the opportunity to
represent his case through a co-worker/union member
or a legal practitioner. He was beaten up by the manager
of Fatehgarh Churian Branch alongwith the accountant
and two other persons and had obtained his signatures
on blank papers by undue influence. Therefore, his
dismissal from service is bad in law.

The management filed their written statement and
denied the claim made by workman. According to them
the workman had committed serious misconduct for
which he was chargesheeted on 7th August, 1991. The
workman voluntarily admitted the charges during the
enquiry proceedings held on 10-9-1991. Thereupon the
disciplinary authority passed the punishment order
against him on 24-4-1992. They have claimed that the
workman was paid subsistence allowance during the
pendancy of the enquiry proceedings and his suspension.
They have further claimed that while posted as clerk/
cashier in Fatehgarh Churian Branch the workman had
committed a fraud of Rs. 1,93,300 as detailed in the
charge sheet dated 7-8-1991. He had also pocketed an
amount of Rs. 44,000 deposited by the account holders.
He deposited an amount of Rs. 45,000 on various dates
and admitted his guilt before the enquiry officer on
10-9-1991 and then on 18-9-1991. They denied the other
assertions made by the workman and stated that the

proper and fair enquiry was conducted against the workman in terms of Bipartite Settlement and full opportunity was given to him to defend himself. Thus the order of dismissal passed on the basis of enquiry report was legal and consonance with the Bipartite Settlement. The punishment awarded was also appropriate in view of the charges proved against him. It is further their claim that the workman had also committed similar misconduct earlier which he admitted before the enquiry officer. They denied that the workman ever requested for engaging a co-workers or a lawyer during the enquiry. As the workman had confessed his guilt, there was no question of workman engaging a defense representative or a lawyer during the enquiry. They denied other claims made by the workman as false and fabricated.

In support of their respective claims the workman appeared as a witness whereas the management examined Shri B. B. Malhotra as their witness. The workman in his statement, recorded on 18-9-1993 admitted that he was charge sheeted for having committed embezzlement of an amount of Rs. 800, and that he was awarded the punishment of stoppage of three annual increments as per Ex. M1. He further admitted that Shri B. B. Malhotra was appointed as enquiry officer who had intimated him vide Ex. M2 that the enquiry shall be conducted in the branch office of the management at Amritsar on 10-9-1991. He further admitted that the enquiry was conducted on 10-9-1991 in his presence and that the writing on Ex. M3 and M4 is in his hand but claimed that the same was written by him under duress. He denied that he had received the enquiry report dated 19-9-1991 but admitted that AD (acknowledgement due) marked as C&D bears his signatures and by those documents enquiry report along with letters was sent to him. He further admitted to have received show cause notice Ex. M6 and M7, the telegram was sent by him. He further admitted that Ex. M8 and M9 were written to him and admitted that M10, the telegram was sent by him stating that he will appear before the management on 20-1-1992. He further admitted to have received the order of his termination Ex. M12 and stated that he had deposited amount out his salary and suspension allowance and that Ex. M13 to M17 are the letters written by him but claimed that those letters were got written by him under duress.

The management examined Mr. T. R. Arora who tendered his affidavit Ex. M19. The record shows that he was not cross-examined by the workman as he was absent on the day the statement of this witness was recorded. The workman however, cross-examined Shri B. B. Malhotra who, by his statement deposed that the workman was given opportunity to engage a defense representative to defend himself. That the workman had admitted the charges voluntarily at the beginning of the enquiry. That the statement of the workman admitting the charges was recorded by him and the same is exhibited

as Ex. M3. The workman also admitted the charges in his own handwriting. he denied that the representative of the management was well qualified and stated that he was only an officer of the bank. He further claimed that the workman had deposited the amount swindled by him and that the workman had received list of witness and documents provided by the management. He further denied that the enquiry held was not proper and fair.

I have gone through the file and have considered the submissions made by the parties and their counsels. It is a case in which a domestic enquiry was held about the misconduct of the workman who was alleged to have swindled away an amount of Rs. 1,93,500 from the accounts of the customers of the management bank. On record I find Ex. M-13, Ex. M-14, Ex. M-15, admitted by the workman to have been written by him, in his own handwriting. In his statement he only alleged that these letters were got written by him under duress but he has not produced any evidence to show as to who exercised that undue influence and for what purpose. He has also failed to produce any evidence to show that after these letters were got written by him under duress, he spoke about it to any of his relations, friends or made complaint about it to higher authorities of the management or of the State which could have proved his natural conduct. He has also not produced any record to show that he had raised this claim before the appellate authority or even before the Hon'ble High Court where he had gone in writ petition when the reference was decided against him. There is absolutely no evidence on record to support the claim of the workman made in para No. 6 of his claim petition. The manner he has made statement before this court further suggests that he is a man of slippery character and keeps shifting from his statements. In the beginning of cross-examination, he denied that he was ever charge-sheeted or any enquiry was held against him. But in the next moment he admitted that he was charge-sheeted for having embezzled Rs. 800 for which he was punished with the stoppage of three annual increments. On the one hand he denied that he had embezzled an amount of Rs. 93,500 but in the next moment he admitted to have executed letters Ex. M-13 to M-17. He claimed that he had not received the suspension allowance but in the same breath he stated that he had deposited amount out of his salary and suspension allowance. There are numerous other instances which show that he is a man of shifting nature and changed his version from time to time.

I have also gone through the enquiry proceedings along with the statement of the workman and find that the enquiry officer had conducted himself very fairly. He charge-sheeted the workman, provided him the list of the witnesses and documents to be produced. The workman under his own hand admitted that he had committed the fraud alleged and that the charges levelled

against him are correct. He, however, claimed that he had committed the fraud in connivance with Shri Narinder Singh, Clerk. He further admitted to have paid Rs. 45,000 on different dates. In the end he raised the plea of his being of young age and requested for excuse. He signed the proceedings in English in the presence of Sat Pal Dastri. At no stage he claimed that his confession, recorded by the enquiry officer, was not voluntarily, and that he did not understand the wording of the enquiry proceedings.

Now coming to the legal side, it is well settled that the domestic enquiry in Industrial cases has great significance. Such an enquiry is not an empty formality but an essential condition to the legality of the disciplinary order. It is required of the disciplinary authority to hold fair and proper enquiry into the conduct of the delinquent official before passing the punishment of dismissal. The nature of such an enquiry is quasi judicial, therefore, it should be conducted by following the principles of natural justice. In substance what is required to be done is that the workman should know the article of charges, the evidence to be produced against him. He should further be given opportunity not only to cross-examine the witnesses of the management but also opportunity to produce evidence in his defence including himself and fair chance to put up his case. From the perusal of the enquiry proceedings, I find that the enquiry officer had given full opportunity to the workman to defend himself. This was also a case where the workman not only in writing but also by his statement before the enquiry officer confessed his guilt and admitted the charges levelled against him without any reservations. In a case where the delinquent official in answer to the charges admits his guilt, there remains nothing more to be enquired into against him and in such a case to hold further enquiry is an empty formality. The misconduct owned and admitted by him therefore, becomes anti thesis of the principles of natural justice and in such cases, the question of prejudice does not arise.

After examining the record of the file, I am of the opinion that the management had conducted a fair and proper enquiry against the workman and that the punishment awarded to him was also proportionate to the misconduct alleged and proved against him. It has come on record that it was not for the first time that the workman had committed fraud in the bank accounts of number of customers but had also committed similar fraud by winding away an amount of Rs. 800 for which he was punished with the stoppage of three annual increments. To retain such an employee in service would prove fatal to the interests of customers who are the backbone of a financial institution. Thus the action of the management to terminate the services of the workman was well justified and he is not entitled to any relief. The

award is passed and reference is answered accordingly.

Let a copy of this award be sent to the appropriate government for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

मई दिसंबर, 31 मार्च, 2008

का. आ. 875.—ऑद्योगिक विचार अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चूनियन बैंक ऑफ इंडिया के प्रबंधतान के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विचार में केन्द्रीय सरकार औद्योगिक अधिकारण/प्रबंध न्यायालय, भुबनेश्वर के पंचाट (संदर्भ संख्या 427/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-03-2008 को प्राप्त हुआ था।

[सं. एल-12011/141/2001-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 31st March, 2008

S.O. 875.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Reference No. 427/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure, in the Industrial Dispute between the management of Union Bank of India and their workmen, which was received by the Central Government on 24-3-2008.

[No. L-12011/141/2001-JR (B-II)]
RAJINDER KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

PRESENT :

Shri N. K. R. Mohapatra, Presiding Officer,
C.G.I.T.-cum-Labour Court,
Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 427/2001

Date of passing Award—15th February, 2008

BETWEEN

The Management of the Chief Manager,
Union Bank of India, UBI Regional Office,
3/I-A, Civic Centre, IRC Village, Nayapalli,
Bhubaneswar (Orissa)-751 013

... 1st Party Management

AND

Their Workmen, represented through the General Secretary, All Orissa Union Bank Employees Association (REFD), Regional Office, 3/1-A, Civic Centre, IRC Village, Nayapalli, Bhubaneswar-751 001

2nd Party-Union

APPEARANCES :

M/s. S. Das & Associates : Advocate	For the 1st Party-Management
M/s. B. C. Basia & Associates, Advocate	For the 2nd Party-Union

AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred by Clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-12011/141/2001-IR (B-II), dated 10-10-2001.

"Whether the action of the Management of Union Bank of India by imposing the punishment of dismissal upon Shri Rajendra Kumar Sharma, Clerk/Cashier is justified and legal ? If not, what relief the workman is entitled to ?"

2. During pendency of the case the workman R. K. Sharma died for which his Legal Heirs, such as wife and minor children were added as O.P.-4, 4(a) and 4(b).

While working as a clerk-cum-cashier under the Management-Bank the deceased-workman was charge-sheeted for his various prejudicial acts amounting to both gross misconduct and minor misconduct as detailed in the chargesheet marked Ext.-3 which forms part of the record. The charges have been summarized as follows :

Gross Misconduct

- Committing acts prejudicial to the interest of bank and involving the bank in monetary loss.
- Willful damage to the property of the bank.

Minor Misconduct

- Breach of any rules of the business of the bank or instructions for running to any department.

3. On completion of above enquiry the Management-Bank issued him with a show cause to explain as to why he shall not be dismissed from service. He was also asked therin to appear for a personal hearing and ultimately he was dismissed from service by the Disciplinary Authority.

4. Admitting that the departmental proceeding was fairly conducted the Union in its claim statement simply challenged the findings of the Enquiry Officer and the punishment to the perverse and disproportionate to the

charges. In view of its above stand, the Union did not adduce any fresh evidence. Rather it wanted to dispose of the matter as per Section 11-A of the Industrial Dispute Act on materials already available on record.

5. The Management on the other hand contended in its written statement that the enquiry was conducted in a fair manner and so much so the punishment given to the workman was neither disproportionate nor the same has been based on facts not borne on record.

6. On the basis of the pleadings of the parties the following issues were framed :

ISSUES

- Whether the reference is maintainable ?
- Whether the action of the management of Union Bank of India by imposing the punishment of dismissal upon Shri Rajendra Kumar Sharma, Clerk/Cashier is justified and legal ?
- If not, what relief the workman is entitled to ?

FINDINGS**Issue No. 1**

7. Since no evidence worth the name has been adduced by the Union questioning the maintainability of the reference the said issue is answered accordingly in an affirmative manner.

Issue Nos. 3 & 4

8. These issues are taken up together as they are inter-linked.

Before dealing with the various contention of the Union it is profitable to repeat here that by admitting the domestic enquiry to have been conducted fairly in accordance with law, the Union simply confined its argument referring to some of the facts which are available on record in the form of evidence of the witness examined by the enquiry officer. In other words it is submitted that the findings even by the enquiry officer is not supported by evidence and more so the punishment is also disproportionate. In the above premises it is only to be examined whether the Tribunal has got the jurisdiction to scan the evidence on record and whether the punishment given was proportionate and in accordance with law or not.

9. Relying on the case between the Govt. of Andhra Pradesh and others Vs. Mohd. Nasrullah Khan reported in 2006-I-LLJ-1108, the Hon'ble Apex Court in the case of State Bank of India and Others Vs. Ramesh Dinakar Punde reported in 2006-II-LLJ-563 have observed at Page 5 of the said judgement that :

".....the High Court and the Tribunal while exercising the judicial review do not act as an

appellate authority. Its jurisdiction is circumscribed and confined to correct errors of law or procedural error, if any, resulting in manifest miscarriage of justice or violation of principles of natural justice. Judicial review is not akin to adjudication on merit by re-appreciating the evidence as an Appellate Authority.'

10. Similarly in the case of Union of India versus Sandar Bahadur reported in 1972-I-LLJ-1 it has been held by their lordship that :—

"..... if the enquiry has been properly held the question of adequacy or reliability of the evidence cannot be canvassed before the High Court. A finding can not be characterised as perverse or unsupported by any relevant materials, if it was a reasonable inference from proved facts."

11. From the charge-sheet marked Ext.-3 it appears that the deceased Shri R. K. Sharma was charge-sheeted for mis-conducting himself in violation of the Standing Order by indulging in fraudulent dealing of lorry receipts, cheque purchase and manipulation of figures in his S. B. Account No. 1243 as detailed below.

On 6-1-1996 Jeypore branch received IDBC Nos. 673 and 674 from drawer M/s. Manipal Textile Industries Limited drawn on M/s. Shiva Cloth Centre, Jaypore for Rs. 15,930 and Rs. 12,950, respectively. On 12-1-1996 IDBC No. 699 was received by the branch from the drawer M/s. Bharat Vijaya Silk Mills, Surat for Rs. 9,420. On 12-3-1996, 31 bills including above said 3 bills were handed over to Shri R.K. Sharma by the accountant Shri K.C. Nayak for return due to non-payment by the party. These bills were entered in the realization Register by Shri R.K. Sharma and also prepared return memo for returning these bills to respective parties by V.P.L. The return/realization register shows that 3 numbers of bills bearing No. IDBC 699, 673 and 674 were deleted without assigning reason/remark there against. The V.P.L. register does not show return of I.D.B.C. Nos. 699, 673 and 674. On 23-3-1996 Shri Sharma made an attempt to balance the bills portfolio and shown the figure of Rs. 7,00,355 as balance of I.D.B.C.'s and also put remark "tallied as per physically". Although Accountant had put his initial just below the above remark, subsequently he wrote three I.D.B.C. numbers with amount and put remark "The CR's of 673 and 674 are missing and 699 initially missing".

A subsidiary ledger as of 25-3-1996 shows as under :

Inland documentary bills of collection (I.D.B.C.)	Rs. 7,00,363
Cheque for collection (CC)	Rs. 74,244

Inland bills collection (IBC)	Rs. 8,446
Local bills for collection (LBC)	Rs. 48,295
Rs. 8,31,348	

The opening balance of general ledger of IBC (Contra-items) on 23-3-1996 shows a figure of Rs. 20,46,342. On 25-3-1996 contra-voucher was posted as under :

Debit I.B.C.	Rs. 14,16,173
Credit I.B.R.	Rs. 14,16,173
AND	
Debit I.B.R.	Rs. 2,01,179
Credit I.B.C.	Rs. 2,01,179

Thus, IBC (contra-items) figure as on 23-3-1996 stated at the end of 25-3-1996 as under :

I.B.C. opening balance (as per general ledger)	Rs. 20,46,342
Dr. I.B.C.	Rs. 14,16,173
Credit I.B.C.	Rs. 6,30,169
	Rs. 2,01,179
	Rs. 8,31,348

The I.D.B.C. balance shows a difference of Rs. 8 (Rs. 7,00,355—Rs. 7,00,363). The contra voucher was passed taking the physical bills, cheques in hand and the difference in the general ledger to balance the books. While balancing the books on 23-3-1996 the missing bills came to light. The Branch Manager enquired the matter with Transport Company and pursued the matter with drawee to get the two bills bearing Nos. 673 and 674 retired on 8-5-1996. On enquiry on 12-10-1996 by the Branch Manager, with the Transport Company M/s. Lucky Bharat Garbage Private Limited about the fate of Lorry Receipt Nos. 078043 and 078060, the Transport Company provided the original copies of Lorry Receipts. The Lorry Receipt No. 078060 pertains to bill No. I.D.B.C. 673 and Lorry Receipt No. 078043 pertains to bill No. I.D.B.C. 674. The back side of the said Lorry Receipts bear Bank's endorsement, which reads as under :

"All our stamp cancelled signed by Shri K.C. Nayak, accountant of the branch."

The said wordings was attempted to be over written with stamp as "please pay/deliver to the order of M/s. Shiva Cloth Centre." As the said wording did not give proper message another stamp was affixed reading as "please pay/deliver to the order of M/s. Shiva Cloth Centre." The over writings and signature are in the handwriting of Shri R.K. Sharma. M/s. Shiva Cloth Centre is banking with Jeypore Branch since 1987 and is having a cash-credit account with the branch. A cash credit limit of Rs. 25,000/- was sanctioned to this party in 1988 which was enhanced by Regional Office, Bhubaneswar and renewed to Rs. 50,000 in March 1996. The operation of the party is not satisfactory.

2. Shri R.K. Sharma is having a joint SB Account No. 3599 in his name and with the name of Shri S.C. Sharma. On 20-3-1994 Shri R.K. Sharma applied in standard form for immediate credit of outstation/local instrument upto Rs. 5,000 for crediting the above said SB account and tendered a cheque No. 005787 for Rs. 2,000 drawn by Shri S.K. Sharma on United Bank of India, Keonjhar Branch. The said cheque was purchased on 21-3-1994 and was credited in the above said S.B. Account. The cheque was returned unpaid by United Bank of India. However, the outstanding entry in the cheque purchased on 21-3-1994 was adjusted only on 28-6-1994 when Shri Sharma deposited cash of Rs. 2,000 in SB Account No. 3599.

On 28-6-1994 Shri Sharma again applied for cheque purchase facility for Rs. 4,500 and tendered the cheque No. 005788 drawn by Shri S.C. Sharma on United Bank of India, Keonjhar Branch. The said cheque was purchased on 29-6-1994 and credited to joint account No. 2919 standing in the name of Shri R.K. Sharma and Shri S.C. Sharma. The said cheque was returned unpaid. The cheque was debited to the account only on 12-12-1994.

On 31-10-1995 and on 12-12-1995 Shri R.K. Sharma tendered 2 cheques bearing Nos. 05789 and 05790 for Rs. 4,000 and Rs. 2,500, respectively for purchase. The SB Account No. 2919 was credited with the amount of above said cheques. Both the cheques were drawn on United Bank of India, Keonjhar Branch. Both the cheques were returned unpaid on 18-12-1995 with the remarks "refer to drawer-insufficient balance". As both the above said cheques were returned unpaid by United Bank of India, Shri R.K. Sharma requested the Branch Manager to collect the cheques on collecting basis. The Branch Manager permitted Shri Sharma to collect the cheques on collection basis and put CC Nos. 450 and 451 on OBC register. The Branch

Manager allowed Shri Sharma to take the cheques against his proper acknowledgement but doubting the integrity of Shri Sharma got a *erox* copy of OBC register. Subsequently their was an attempt made by Shri Sharma to erase the signature put on OBC register.

3. Shri R. K. Sharma is having SB Account No. 1243 with Jeypore Branch. As per duty list allotted by Branch Manager, Shri J. Shrinivas was allotted duty of posting of saving bank ledger and he had posted the transaction upto 27th August, 1996 in the ledger in SB Account No. 1243. On 27-8-1996 the balance in SB Account No. 1243 was Rs. 47.47. On 29-8-1996 the balance in SB Account No. 1243 was the SB Account No. 1243 which are as under :

- Credit voucher of Rs. 4,500 (Transfer entry from SB Account No. 1855)
- Debit voucher for Rs. 2,000 (Favouring Tirumala Mutual Benefit Fund) collected through clearing by Andhra Bank, Jeypore Branch.
- Debit voucher for Rs. 3,040 (withdrawal slip).

All the above debit and credit vouchers were posted in ledger by Shri R.K. Sharma. If the debit and credit vouchers are put together alongwith opening balance the following position emerges in the account.

— Opening balance as on 27-8-96	Cr. 47.47
— Credit voucher Rs. 4,500	Cr. 4,547.47
— Debit Voucher Rs. 3,040	Cr. 1,507.47
— Debit voucher Rs. 2,000	Dr. 507.47

To pass the above cheque it was needed to enhance the figure of Rs. 47.47 and therefore, an attempt was made by Shri Sharma to make the figure read as Rs. 547.47 by inserting a figure 5 before original balance of Rs. 47.47. The attempted fraud in respect of above transaction was detected by Shri Praful Chandra Rath, Clerk of Jeypore Branch.

The operation in SB Account No. 1243 of Shri R.K. Sharma also shows that Shri Sharma had deposited Rs. 70,000 on 20-8-1996 and on the same day he had issued cheque for Rs. 70,000 favouring M/s. Konark Vision. The cheque was debited in SB Account No. 1243 and credit was given in the account of M/s. Konark Vision by transfer entry on 20-8-1996. M/s. Konark Vision has been banking with Jeypore Branch and enjoying CC (Hyp) limited of Rs. 1 lac. Since December 1994.

The proprietor of this firm is Mr. Mahesh Dholakia who is an ex-employer of Jeypore Branch. He has resigned in the year 1984. M/s. Konark Vision had applied for, CC (Hyp) limit of Rs. 1 lac. On 24-12-1994. The application, credit information of firm, Share Transfer Form, stock statement dated 7-11-1996 were all in the handwriting of Shri R.K. Sharma.

4. It is on record that on 13-11-1996 Shri Sharma had refused to accept the duties assigned to him by the Accountant of the branch. On reporting this matter to the Branch Manager a show-cause Memorandum was issued to Shri Sharma by the Branch Manager which Shri Sharma refused to accept.

Shri Sharma is informed that above said act of omission and commission on his part constitute following misconducts and he is hereby charged of the same :

GROSS MISCONDUCTS

1. Doing acts prejudicial to the interest of the bank involving the bank in monetary loss.
2. Wilful damage to the property of the bank.

MINOR MISCONDUCTS

1. Breach of any rule of the business of the bank or instructions for the running of any department.

Shri Sharma is informed that further disciplinary action including holding of departmental inquiry against him will be taken by another Disciplinary Authority, Shri R.R. Mohanty, Deputy Manager (P), Zonal Office, East Zone, Calcutta. Shri Sharma, if he so desires, may submit his explanation in writing within 7 days from receipt of this memorandum to the Enquiry Officer directly. If he fails to submit the written explanation to the Enquiry Officer within the above stipulated period it will be deemed that he does not wish to avail of the opportunity given to him and Enquiry Officer will be free to proceed further with the enquiry.

12. With reference to the above charges and the evidence collected during the enquiry stage it was argued by the Counsel for the disputant that (i) that the enquiry was conducted by the Disciplinary Authority himself and as such the entire findings and punishment given to the disputant-workman was bad under law and that (ii) the findings of the Enquiry Officer was not borne on record in as much as his entire findings is on surmise.

13. As regards the first contention of the disputant-workman that the Disciplinary Authority was totally

incompetent to act as an Enquiry Officer, I would like to refer to Rule 19.14 of the first Bipartite Settlement contained in Kapoor's Service Conditions in Banks as follows :—

19.14.—The Chief Executive Officer or the principal officer in India, of a bank, or an alternate officer at the Head Office or principal office appointed by him for the purpose, shall decide which officer(s) shall be empowered to hold enquiry and take disciplinary action in the case of each office or establishment. He shall also decide which officer or a body higher in status than the officer authorized to take disciplinary action shall be empowered to deal with an dispose of any appeals against orders passed in disciplinary matters. The names of such officers or the body who are empowered to pass the original orders or hear and dispose of the appeal shall, from time to time, be published on the bank's notice board. Such appellate authority shall, if the employee concerned is so desirous, in a case of dismissal, hear him or his representatives before disposing of the appeal. In cases where hearings are required to be given and are requested for, such hearings shall commence within one month from the date of receipt of appeal and shall be disposed of within one month from the date of conclusion of such hearings. The period within which an appeal can be preferred shall be 45 days from the date on which the original order has been communicated in writing to the employee concerned.

14. From the above bipartite settlement it is thus clear that the Enquiry Officer is being appointed under certain principles and the same is also being published from time to time for general information of the employees. In the appeal memorandum of the workman there appears no whisper that the Enquiry Officer was either incompetent to hold the enquiry or that he was biased towards him. Furthermore, no evidence worth the name has been adduced to indicate that the enquiry officer had acted in a prejudicial manner in conducting the enquiry or in awarding the punishment. When admittedly the workman has fairly conceded that the enquiry was conducted fairly, his present submission that the Disciplinary Authority should not have acted as the Enquiry Officer deserves no merit. So much so under the bipartite settlement no restriction has been imposed for a Disciplinary Authority to act as an Enquiry Officer. Under these premises the first objection of the disputant-workman is found to have no consequential effect at this belated stage.

15. As regards the second objection that the findings of the Enquiry Officer was not based on the materials available on record, the counsel appearing for

the disputant drove the Tribunal to the evidence recorded during enquiry stage and submitted that when according to the Management Witness the bank had sustained no loss, it was improper on the part of the Disciplinary Authority to hold the workman guilty of causing wilful damage to the property of the bank. It is also submitted that when the act of the disputant-workman had not resulted in any monetary loss to the bank the other gross misconduct No. 1 should also be treated as not proved. It is no doubt true that during cross-examination the Management Witness have deposed that none of the charges had resulted in any loss to the bank but it must be remembered that while dealing with a subject of the present nature it is not necessary for the enquiry officer or the Tribunal to look into the exact monetary loss sustained or likely to be sustained by the Bank. As per clause 19.5(J) of the bipartite settlement any act prejudicial to the interest of the bank or gross negligence or negligence involving or likely to involve the bank in serious loss would amount to gross misconduct. From the reply to the show cause as given by the disputant-workman marked Ext.-4 it transpires that he has almost admitted all the charges with some explanation or other. To site some example, one of the proved charges indicate that to accommodate some of his debit voucher on 29-8-1996 the delinquent had manipulated his own S.B. Account by increasing his opening balance. Similarly another proved charge shows that by fraudulently crediting Rs. 70,000 in his own S.B. Account he had issued a cheque of same value in favour of M/s. Konark Vision. These acts, besides other proved charges, itself speak that the delinquent had indulged in acts prejudicial to the interest of the bank likely to involve the bank in serious losses. It has been held that in a plethora of decisions by the Apex Court that in the banking business absolute devotion, diligence, integrity and honesty needs to be preserved by every bank employee and in particular the bank officer so that the confidence of the public/depositors would be impaired. It is for this reason, that when a bank officer commits misconduct as in the present case, for his personal ends and against the interest of the bank and the depositors, he must be dealt with iron hands and he does not deserve to be dealt with leniently. At para 21 of the case between State Bank of India & Others Vs. Ramesh Dinkar Punde reported in 2006-III-LLJ-563 it has been held that the scope of judicial review is very limited. Sympathy or generosity as a factor is impermissible. Loss of confidence is the primary factor and not the amount of money misappropriated. Since in the instant case the above referred two instances, besides many others, speak of temporary misappropriation of Bank's fund, there can be no room to say that the bank

has committed an illegality in dismissing the workman from service.

16. In view of the above, the action of the Management in dismissing the workman from service can not be viewed in a jaundice eye to say the Management has exceeded its limit in passing the above order. Accordingly, I find no merit in the various contention of the workman and as such he deserves no relief.

17. The reference is answered accordingly.

N. K. R. MOHAPATRA, Presiding Officer

List of Witnesses examined on behalf of the 2nd Party-Union

No witnesses have been examined on behalf of the 2nd Party-Union

List of Documents Exhibited on behalf of the 2nd Party-Workman

- Ext. 1 : Copy of Full Enquiry report.
- Ext. 2 : Copy of letter No. 2629, dated 18-9-1995 to Shri R.K. Sharma.
- Ext. 3 : Copy of charge-sheet No. CO-IRD-AS-VIG-239-97, dated 21-6-1997.
- Ext. 4 : Copy of letter dated 4-9-1997 of Shri R.K. Sharma to the Enquiry Officer, Camp-Jeypore.
- Ext. 5 : Copy of order proposing punishment No. EZ-DP-RRM-1286, dated 10-11-1997.
- Ext. 6 : Copy of final finding in the departmental enquiry dated 30-10-1997.
- Ext. 7 : Copy of Appeal dated 21-1-1998 for review of punishment of dismissal order sent by Shri R.K. Sharma to General Manager (I), UBI, C.O. Appellate Authority, Mumbai.
- Ext. 8 : Copy of the order of the Appellate Authority on the appeal of Shri R.K. Sharma.
- Ext. 9 : Copy of final findings of the Departmental Enquiry into the charges/allegations levelled against Shri R.K. Sharma, Clerk-cum-Cashier (under suspension), Jeypore Branch.

List of Witnesses on behalf of the 1st Party-Management

No witnesses also have examined on behalf of the 1st Party-Management.

List of Documents Exhibited on behalf of the 1st Party-Management

Ext. A : Copy of statement dated 29-11-1987 at the personal hearing submitted at Zonal Office, Calcutta.

Ext. B : Copy of letter No. E2-DP-1225, dated 5-12-1997 of Deptt. of Personnel, Zonal Office, Calcutta to Shri R.K. Sharma.

Ext. C : Copy of staff circular No. 2309, dated 28-5-1981.

Ext. D : Copy of letter No. PER/OS/163/98 dated 21-1-1998 from Br. Manager, Jeypore (K) Branch to the Asstt. Manager, R.O. Bhubaneswar.

Ext. E : Copy of personal hearing granted to Shri R.K. Sharma dated 9-6-1998.

Ext. F : The copy of the final order of the Appellate Authority No. CO-IRD-1123-98, dated 16-7-1998 (in Hindi).